



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MND, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for a monetary order for the cost of removal of the tenant's items, for the cost of repairs, for the cost of cleaning and for the recovery of the filing fee.

The landlord testified that on November 08, 2017, he served the tenant with the notice of hearing package by registered mail and provided tracking numbers for the packages. The landlord testified that he tracked the packages on line and found that they had been picked up by the tenant on November 10, 2017. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to a monetary order?

Background and Evidence

The landlord testified that the tenancy started on June 01, 2007 and ended sometime in February 2017. A pre move out condition inspection was conducted in the presence of the tenant and a copy of the report was filed into evidence. The report shows damage to the rental unit.

The tenant moved out pursuant to an order of possession obtained by the landlord when the tenant failed to honor the mutual end to tenancy agreement entered into by the parties. Shortly after the tenant moved out, he visited the landlord and provided a forwarding address.

The landlord testified that the tenant left the unit in a condition that required considerable repair and cleaning. The landlord filed photographs of the unit after the tenant moved out. The photographs depict a lot of unwanted belongings strewn all over the property including outside the house. There is considerable damage to the walls which appears to be deliberate and not a result of wear and tear. The photographs also indicate that the whole house including the appliances and washrooms were not cleaned by the tenant prior to moving out.

The landlord also provided invoices for hauling away the tenant's items (\$633.41), for repairs (\$840.00) and for cleaning (\$400.00) for a total claim of \$1,873.41. The landlord is also claiming the recovery of the filing fee of \$100.00.

Analysis

Based on the evidence and sworn testimony of the landlord and in the absence of evidence to the contrary, I find that the tenant left the unit in a condition that required cleaning, removal of items and repairs. I further find that the landlord has provided sufficient evidence to support his claim in the amount of \$1,873.41. Since the landlord has proven his case, he is entitled to the recovery of the filing fee of \$100.00.

I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$1,973.41. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order of **\$1,973.41**.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: April 04, 2018

Residential Tenancy Branch