



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NPR LIMITED PARTNERSHIP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: FFL MNDL-S

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("the *Act*") for an Order of Possession for:

- a monetary order for compensation for damage, money owed or losses under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72 .

While the landlord's agents, TC and KS ('landlord'), attended the hearing by way of conference call, the tenants did not. I waited until 1:45 p.m. to enable the tenants to participate in this scheduled hearing for 1:30 p.m. The landlord's agents were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord's agent TC testified that the tenant was served with the landlord's application for dispute resolution hearing package ('Application') and evidence on January 29, 2018, by way of registered mail, and the amendment package by way of registered mail on June 5, 2018. The landlord provided Canada Post tracking numbers in their evidence package. In accordance with sections 88, 89 and 90 of the *Act*, I find that the tenant was deemed served with the landlord's application and evidence on February 3, 2018, and the amendment package on June 10, 2018, five days after mailing.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation for damage or losses?

Is the landlord entitled to recover their filing fee for this application?

Background and Evidence

The landlord's agents testified regarding the following facts. This month-to-month tenancy began on June 27, 2012, and the tenants moved out on January 15, 2018. Monthly rent was set at \$999.00, payable on the first of the month. The landlord collected a security deposit of \$625.00, which the landlord still holds. A copy of the latest tenancy agreement was included in the landlord's evidence, as well as the condition inspection reports. The tenants provided a forwarding address to the landlord on January 4, 2018.

The landlord submitted a monetary claim for \$2,252.18 in order to recover their losses associated with the tenants' failure to comply with section 37(2)(a) of the *Act*, as summarized in the table below

Item	Amount
Professional Cleaning	\$1,323.00
Steam Cleaning of Carpet	157.50
Garbage Removal	369.12
Repairs & Labour	402.56
Total Monetary Order Requested	\$2,252.18

The landlord's agent supported the above monetary claim with invoices, work orders, timesheets, and pictures in their evidence package.

Analysis

Section 37(2)(a) of the *Act* stipulates that when a tenant vacates a rental unit the tenant must leave the rental unit reasonably clean, and undamaged except for reasonable wear and tear. I find that the landlord provided sufficient evidence to show that the tenants did not take reasonable care and attention when vacating the suite. I also find that the landlord supported their claims with invoices and work orders, as well as photos. Accordingly, I find the landlord is entitled to compensation for these losses. I issue a monetary award of \$2,252.18 for the cost of cleaning and losses associated with this tenancy due to the tenants' failure to comply with section 37(2)(a) of the *Act*.

I find that the landlord's Application has merit and that the landlord is entitled to recover the fee for filing this Application.

In accordance with the offsetting provisions of section 72 of the *Act*, I order the landlord to retain the tenants' security deposit plus applicable interest in satisfaction of the

monetary claim. Over the period of this tenancy, no interest is payable on the security deposit.

Conclusion

I issue a Monetary Order in the amount of \$1,727.18 in the landlord's favour under the following terms which allows the landlord to retain the security deposit in satisfaction of the monetary claim for damages and losses, plus recover the \$100.00 filing fee for this application.

Item	Amount
Professional Cleaning	\$1,323.00
Steam Cleaning of Carpet	157.50
Garbage Removal	369.12
Repairs & Labour	402.56
Filing Fee	100.00
Less Security Deposit	-625.00
Total Monetary Order Requested	\$1,727.18

The tenant(s) must be served with this Order as soon as possible. Should the tenant(s) fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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: June 29, 2018

Residential Tenancy Branch