



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WESTWOOD RIDGE DEVELOPMENT CORPORATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MND, MNSD, 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 carpet cleaning, deodorizing the rental unit, recovery of a strata fine, replacement of a bulb and for the recovery of the filing fee. The landlord also applied to retain the security and pet deposits in partial satisfaction of his claim.

The landlord sent a copy of his application and the notice of hearing to the tenant by registered mail on February 23, 2018, to the forwarding address provided by the tenant. The landlord provided a tracking number. 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.

The landlord testified that on April 09, 2018, he determined the exact cost of the rental fan that was used to rid the unit of the smell of cigarette smoke and therefore after making a deduction of \$429.07, he sent the balance of the deposits to the tenant by registered mail. The landlord provided a tracking number. The amount returned to the tenant was \$1,370.93. The landlord stated that he has not heard from the tenant regarding an objection to the amount retained by the landlord.

Issues to be decided

Is the landlord entitled to retain \$429.07 from the security and pet deposits? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The landlord testified that the tenancy started on February 01, 2017. The monthly rent was \$1,800.00 payable on the first of each month.

Prior to moving in the tenant paid a security deposit of \$900.00 and a pet deposit of \$900.00. The landlord stated that the tenant moved out on January 31, 2018 and a move out inspection was carried out on that day, in the presence of the tenant. The landlord filed a copy of the report.

The report is dated January 31, 2018 and is signed by the tenant. The tenant has also provided his forwarding address which is recorded on the condition inspection report. The report identifies three discrepancies.

1. A pink stain on the bedroom carpet
2. 1 burnt out bulb
3. Odour of cigarette smoke in the unit

The landlord testified that a professional carpet cleaning company was hired to remove the stain and a specialized fan was rented to remove the odour. The landlord replaced the bulb from the stock he keeps on hand. The landlord filed copies of invoices for the carpet cleaning and for the fan rental.

The landlord also testified that the strata had issued a fine to the tenant for smoking on the property. The landlord filed proof of the violation notification and proof of payment of the fine of \$50.00. The landlord is claiming to be reimbursed.

The landlord is claiming the following:

1.	Carpet cleaning	\$115.50
2.	Fan rental	\$253.57
3.	Strata fine	\$50.00
4.	Replace bulb	\$10.00
5.	Filing fee	\$100.00
	Total	\$529.07

Analysis

Based on the undisputed sworn testimony of the landlord and the documents filed into evidence, I find that the landlord has provided adequate proof of having incurred the expenses that he is claiming. Since the landlord has proven his case, he is also entitled to the recovery of the filing fee of \$100.00.

Overall the landlord has established a claim of \$529.07. I order that the landlord retain this amount from the security and pet deposits in partial satisfaction of the claim and return the balance of \$1,270.93.

I accept the landlord's testimony that he has already returned \$1,370.93 to the tenant by registered mail on April 09, 2018. Accordingly I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$100.00. 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 for the amount of **\$100.00**.

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: September 13, 2018

Residential Tenancy Branch