



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL MNDL-S

Introduction

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

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

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 1:42 p.m. in order to enable the tenants to call into this teleconference hearing scheduled for 1:30 p.m. The landlord's agent, KM ("landlord"), attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the landlord's agent and I were the only ones who had called into this teleconference.

The landlord's agent gave sworn testimony that on or about August 13, 2020, copies of the Application for Dispute Resolution hearing package ('Application') and evidence were served to the tenant's forwarding address by way of registered mail. In accordance with sections 88, 89, and 90 of the *Act*, I find that the tenants deemed served with copies of the landlord's application and evidence 5 days after mailing.

Issue(s) to be Decided

Is the landlord entitled to compensation for losses or damage to the rental unit?

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

Background and Evidence

The landlord provided the following sworn testimony. This fixed-term tenancy began on December 1, 2018, and continued as a month-to-month tenancy after November 30, 2019. The tenant moved out on June 30, 2020. Monthly rent was set at \$2,000.00 plus \$140.00 per month for utilities, payable on the first of every month. The landlord collected a security deposit in the amount of \$1,000.00 and a pet damage deposit in the amount of \$500.00. The landlord returned \$1,180.80 to the tenant, and applied to retain the remaining \$319.20.

The landlord is seeking a monetary order in the amount of \$319.20 to recover the losses associated with the tenant's failure to leave the home in reasonably clean condition. The landlord provided photos, the condition inspection report, as well as invoices in support of their monetary claim. The landlord is also seeking the recovery of the filing fee for this application.

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 landlord suffered a monetary loss due to the tenant's failure to leave the home in reasonably clean condition. Accordingly, I find the landlord is entitled to compensation for this loss. I allow the landlord's monetary claim of \$319.20 to cover the cost of cleaning.

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 remainder of the tenant's deposits in partial satisfaction of the monetary awards.

Conclusion

I allow the landlord's monetary claim in the amount of \$319.20 for the tenant's failure to leave the home in reasonably clean condition. I also allow the landlord to recover the filing fee for this application. In accordance with the offsetting provisions of section 72 of the *Act*, I order the landlord to retain the remainder of the tenant's deposit in partial satisfaction of the monetary awards.

I issue a \$100.00 Monetary Order in favour of the landlord for recovery of the filing fee.

The tenant must be served with this Order as soon as possible. Should the tenant 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: November 26, 2020

Residential Tenancy Branch