



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MND, MNDC, MNR, FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order. Despite having been personally served with the application for dispute resolution and notice of hearing on August 26, 2009, the tenant did not participate in the conference call hearing.

At the hearing the landlord asked to amend his claim to include a claim for actual costs of cleaning and repairs as the original claim had only provided estimated costs. The landlord provided evidence that the tenant had been served with a list of the actual costs and I find that the prejudice to the tenant will be minimal and accordingly permit the amendment.

### Issues(s) to be Decided

Is the landlord entitled to a monetary order as claimed?

### Background and Evidence

The landlord's undisputed testimony is as follows. The tenant vacated the rental unit on July 5, 2009. The tenant was obligated to pay \$1,350.00 per month in rent and a portion of the utilities. The tenant failed to pay rent in the months of April, May and June inclusive and further failed to pay rent for the first 5 days of July. The total amount of unpaid rent claimed is \$4,267.75. The tenant also failed to pay utilities for January – June inclusive. The total amount of unpaid utilities claimed is \$387.00.

At the end of the tenancy cleaning and repairs that were required, items had to be removed from the property and expenses were incurred in filing and serving applications for dispute resolution. The landlord testified that the following costs were incurred:

- \$28.60 for repair of a dimmer switch which had been knocked off of a wall;
- \$723.30 for professional cleaning of the rental unit, which is a 2,500 square foot home;
- \$635.14 for repainting walls which had last been painted in 2005;
- \$15.04 for replacing a light panel in the kitchen which was missing at the end of the tenancy;
- \$513.04 for cleaning carpets;
- \$191.10 for repairing the casing of an exterior door which had apparently been kicked in;
- \$427.50 for removing garbage and items which were abandoned in the rental unit;
- \$100.00 for yard work which had been neglected by the tenant;
- \$70.00 as the estimated cost of removing a vehicle which was abandoned on the property by the tenant;
- \$50.00 for a filing fee which was paid by the landlord to bring a previous claim against the tenant, which claim was dismissed with leave to reapply because the landlord had not served the tenant with the application and notice of hearing;
- \$100.00 for the filing fee paid to bring this application; and
- \$72.45 as the cost of serving documents related to this claim.

### Analysis

I accept the landlord's undisputed testimony and I permit all of the landlord's claim with the exception of the claim for repainting, recovery of the filing fee for the previous application and the cost of serving documents. The claim for repainting is dismissed as I find that the useful life of interior paint is 4 years and the paint had expended its useful

life by the time it was repainted. The claim for the cost of the filing fee for the previous application is dismissed as the tenant cannot be held liable for the landlord's failure or inability to serve documents on him. The claim for the cost of serving documents is dismissed as I do not have authority under the Act to award litigation-related expenses other than the cost of filing an application with the Residential Tenancy Branch. The landlord is granted the following:

Unpaid rent	\$4,267.75
Unpaid utilities	\$ 387.00
Dimmer switch replacement	\$ 28.60
Cleaning	\$ 723.30
Light panel replacement	\$ 15.04
Carpet cleaning	\$ 513.04
Door repair	\$ 191.10
Garbage removal	\$ 427.50
Yard work	\$ 100.00
Abandoned vehicle removal	\$ 70.00
Filing fee for this application	\$ 100.00
<b>Total:</b>	<b>\$6,823.33</b>

### Conclusion

I grant the landlord a monetary order under section 67 for \$6,823.33. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Dated: December 18, 2009

---