



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MND, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for damage to the unit, to keep all or part of the security deposit and recovery of the filing fee. The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Summary of Background and Evidence

The landlord testified that during the move-out inspection it was noted that the kitchen counter top was damaged, the floor was damage and the wall in the bedroom stained. The landlord's move-out inspection report indicates that the tenant agreed with the assessment of damage to the rental unit.

The landlord in this application is seeking compensation for the following:

Kitchen Counter Top	\$851.76
Floor Damage – Stains from snow & salt	\$43.62
Master Bedroom Wall Stain	\$42.00
Floor damage – Gouge in floor	\$336.00
Total Claim	\$1273.38

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to compensation for damage to the rental unit. The landlord has

completed a move-out inspection report noting the damage to the rental unit along with receipts for the repair work.

I find that the landlord has established a claim for \$1273.38 in compensation for damage to the rental unit.

The landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I find that the landlord has established a monetary claim for \$1273.38 in compensation for damage to the rental unit. The landlord is also entitled to recovery of the \$50.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep the tenant's \$600.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$723.38** ($\$1273.38 + \$50.00 = \$1323.38 - \$600.00 = \723.38)

A monetary order in the amount of **\$723.38** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: April 29, 2010

Residential Tenancy Branch