



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, FF

Introduction

This was a hearing with respect to the landlord's application for a monetary order and an order to retain the tenant's security deposit. The hearing was conducted by conference call. The landlord's representative and the tenant called in and participated in the hearing.

Issue(s) to be Decided

Is the landlord entitled to a monetary award for damage, cleaning or repairs to the rental unit and if so, in what amount?

Background and Evidence

The rental unit is an apartment in Vancouver. The tenancy began in October, 2011. Monthly rent was \$2,550.00 and the tenant paid a security deposit of \$1,275.00 at the beginning of the tenancy. The tenant moved out at the end of October, 2012.

The landlord claimed payment of the sum of \$1,275.00 being the amount of the security deposit. The landlord said in the claim that the unit will require re-painting because the tenant smoked in the unit.

The landlord submitted two invoices, one for cleaning cost in the amount of \$280.00 and one for a lock repair and some replacement lights in the amount of \$359.42.

The landlord did not supply any invoices for painting or for any other repairs. The landlord did not supply any photographs to document the condition of the rental unit at the end of the tenancy.

The tenant acknowledged responsibility for the cleaning charge and the lock repair. He denied that the unit had been smoked in. He testified that smoking only occurred on the

balcony with the door closed. He said that the rental unit was well looked after during the tenancy.

Analysis and Conclusion

The landlord has not established that there was a need for painting or that any painting costs were incurred; I dismiss the landlord's claim for painting costs without leave to reapply. Pursuant to the supplied invoices, accepted by the tenant I award the landlord the sum of \$639.42. The landlord is entitled to recover the \$50.00 filing fee for a total award of \$689.42. I order that the landlord retain the said sum from the deposit that she holds and I grant the tenant a monetary order for the balance of his deposit in the amount of \$585.58. This order may be registered in the Small Claims 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: February 13, 2013

Residential Tenancy Branch

