



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, FF

Introduction

This is an application for a Monetary Order for \$8757.18 and a request for recovery of the \$100.00 filing fee.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The witness (K.J.) for the applicant testified that the respondent was served with notice of the hearing personally, by himself on April 12, 2014; however the respondent did not join the conference call that was set up for the hearing.

Since the respondent has been duly served with notice of the hearing, I proceeded in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

Has the applicant established a monetary claim against the respondent and if so in what amount?

Background and Evidence

The applicant testified that:

- The respondent verbally agreed to rent the dispute property starting May 15, 2013 a monthly rent of \$1500.00.
- The tenant was supposed to pay a security deposit of \$1500.00 however she failed to do so.

- The tenant was in the rental unit for six months however she only paid \$2200.00 in rent in that entire period, leaving \$6,800.00 in rent outstanding.
- When the tenant vacated she left the rental unit in need of significant cleaning and repairs, and some lighting fixtures and curtain rods were missing.

She is therefore requesting a Monetary Order as follows:

Security deposit outstanding	\$1500.00
Rent outstanding	\$6,800.00
Drywall repairs	\$150.00
Missing light fixture	\$33.59
Second missing light fixture	\$33.59
Cleaning 9 hours X \$20.00	\$180.00
Missing curtain rods	\$60.00
Filing fee	\$100.00
Total	\$8,857.18

Witness (C.W.) for the applicant testified that:

- She viewed the property after the tenant moved out and assisted the landlord in doing cleaning and repairs.
- The rental unit was left in need of extensive cleaning and she and the landlord spent a total of 9 hours cleaning.
- There were holes in the walls and a large chunk of drywall was missing out of the fireplace.
- The vinyl siding was melted by a barbecue.
- A large tile was broken.
- Light fixtures were missing as were smoke alarms.
- There were lots of holes in the ceiling.
- And cedar trees had been burned and have not recovered.

Analysis

It is my finding that the applicant has established the full claim requested, except for the claim for a security deposit.

I accept the testimony that the tenant agreed to pay \$1500.00 per month and therefore over the term of the tenancy she should have paid \$9,000.00; however she only paid \$2200.00 leaving a balance of \$6,800.00 rent outstanding.

It is also my finding that the evidence presented supports the claim for damages and replacing missing items, and I find the amounts claimed to be a reasonable, and I therefore also allow that portion of the claim.

I will not allow the claim for a security deposit however, because had a security deposit been paid it would have been deducted from any amount owed for outstanding rent or damages at the end of the tenancy anyway.

I will however allow the claim for recovery of the \$100.00 filing fee, as the amount of the claim I have allowed still exceeds the \$5,000.00 limit in which the fee increases to \$100.00.

Conclusion

I have issued an order for the respondent to pay \$7,357.18 to the applicant.

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: July 31, 2014

Residential Tenancy Branch