



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNDC, FF

### Introduction

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

- a monetary order for damage to the rental unit, and for money owed or compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*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 participate in the conference call hearing, which lasted approximately 10 minutes. The landlord's three agents (collectively the "landlord") attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlords confirmed they are agents of the landlord's company named in this application, and had authority to speak on its behalf.

The landlord testified that on September 9, 2016 she forwarded the landlord's application for dispute resolution hearing package via registered mail to the forwarding address provided by the tenant on the move-out inspection report. The landlord provided a Canada Post tracking number as proof of service. Based on the testimony of the landlord and in accordance with sections 89 and 90 of the *Act*, I find that the tenant has been deemed served with the application on September 14, 2016, the fifth day after its registered mailing.

### Preliminary Issue – Previous Decision

A previous Decision was rendered on August 9, 2016 regarding this tenancy. The file number has been included on the front page of this Decision for ease of reference. In this Decision, the Arbitrator granted an order of possession and monetary order for rent arrears and late fees. Pursuant to the offsetting provisions of section 72 of the *Act*, the Arbitrator allowed the landlord to retain the security deposit in the total amount of

\$492.50 in partial satisfaction of the monetary award and granted an order for the balance due \$1,725.50.

Issue(s) to be Decided

Is the landlord entitled to a monetary order for damage to the rental unit, and for money owed or compensation for damage or loss under the *Act*, *Regulation* or tenancy agreement?

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

Background and Evidence

As per the testimony of the landlord, the tenancy began on May 4, 2012 on a fixed term until May 31, 2013 at which time the tenancy continued on a month-to-month basis. Rent in the amount of \$1,034.00 was payable on the first of each month. The tenants vacated the rental unit on August 19, 2016.

The landlord testified that she is seeking \$543.00 in damages, including the following;

Item	Amount
Drape Cleaning	\$73.50
Oven Cleaning	\$45.00
General Cleaning	\$79.50
Wall Painting	\$45.00
Garbage Removal	\$300.00
Total Monetary Claim	\$543.00

The landlord is also seeking to recover the \$100.00 filing fee paid for this application from the tenant.

Analysis

Under section 67 of the *Act*, when a party makes a claim for damage or loss, the burden of proof lies with the applicant to establish the claim. To prove a loss, the applicant must satisfy the test prescribed by section 7 of the *Act*. The applicant must prove a loss actually exists and prove the loss happened solely because of the actions of the respondent in violation to the *Act*. The applicant must also verify the loss with receipts and the applicant must show how they mitigated or what reasonable efforts they made to minimize the claimed loss.

Based on the undisputed testimony of the landlord, condition inspection reports, photographs and invoices before me, I find the landlord is entitled to recover damages in the amount of \$543.00.

As the landlord was successful in this application, I find that the landlord is entitled to recover the \$100.00 filing fee for a **total award of \$643.00.**

Conclusion

I issue a monetary order in the landlord's favour in the amount of **\$643.00.**

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: March 08, 2017

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Residential Tenancy Branch