



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: MNDC, SD, FF

Introduction

This application was brought by the landlord seeking a Monetary Order for the cost of suite cleaning and re-keying the locks following the end of the tenancy. The landlord also seeks to recover the filing fee for this proceeding and authorization to retain the security deposit in set off against the balance owed.

Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to set off the costs claimed against the security deposit.

Background and Evidence

This tenancy began September 1, 2006. The tenant gave notice to end the tenancy for July 31, 2008 but actually gave up possession on July 10, 2008. Rent was \$665 per month and the landlord holds a security deposit of \$320.

During the hearing, the parties gave evidence that the landlord had been able to install new tenants on July 15, 2008. The landlord confirmed that the tenant was entitled to return of half of the July rent but that had not been paid pending the outcome of the

present hearing. He stated that it would be paid once a final accounting had been determined.

As to the claim against the security deposit, the landlord submitted expenses of \$309.93. Of that, \$230 was for cleaning of the suite and \$76.93 was for re-keying of the locks.

Analysis

I am persuaded by the evidence of the building manager that the cleaning costs are reasonable and warranted. However, as noted during the hearing, section 25 of the *Act* clearly assigns responsibility for re-keying of locks to the landlord and, therefore, I am disallowing that portion of the claim. In view of that, and the unanticipated factor of the rental unit being occupied on July 15, 2008, I find that the \$50 filing fee for this proceeding should be split equally by the parties.

Therefore, I find this dispute balances as follows:

| | |
|---------------------------------------------------------|-----------------|
| One half of July 2008 rent due to tenant (1/2 of \$665) | \$332.50 |
| Security deposit | 320.00 |
| Interest (Sept. 1/06 to July 31/08) | 8.18 |
| Sub total (tenants credits) | \$660.68 |
| Less cost of cleaning | - 230.00 |
| Less one-half of filing fee | - 25.00 |
| TOTAL - balance due to tenant from landlord | \$405.68 |

Conclusion

As noted, the landlord has made promise to reimburse the tenant as calculated. If necessary, the tenant is at liberty to make application for a Monetary Order for the amount due.

September 18, 2008
