



Dispute Resolution Services

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

Decision

Dispute Codes: MND, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlords for a monetary order for damage to the unit, for retention of the security deposit towards satisfaction of the claim, for compensation for damage or loss, and for recovery of the application filing fee. Both parties participated or were represented in the hearing and each gave affirmed testimony. All of the testimony and documentary evidence was carefully considered.

Issue to be Decided

- Whether the landlords are entitled to a monetary order for any or all of the above.

Background and Evidence

The 6 month fixed term tenancy began on January 15, 2008. Rent in the amount of \$1,650.00 is payable on the 15th day of each month. At the outset of the tenancy, on or around January 1, 2008, the landlords collected a security deposit from the tenants in the amount of \$825.00. There was no move-in or move-out inspection report completed by the parties. The landlords claim cost for replacement of two broken windows in the estimated amount of \$1,056.45, cost for garden clean up on the property in the estimated amount of \$420.00, as well as recovery of the filing fee for this application.

Analysis

I find the landlords have established a claim for damage to the rental unit and a claim for garden clean up. The tenants argued that remedial costs proposed by the landlords were in excess of what is reasonable. As a result of mediated discussion the parties

reached an agreement. Specifically, the parties agreed that the landlords would retain \$300.00 from the security deposit to be put toward repair of two broken windows and garden clean up. No agreement was reached between the parties concerning the filing fee. I therefore find the landlords are also entitled to recovery of half the \$50.00 filing fee. The parties agreed that the landlords would pay the balance of funds deemed owing to the tenants in care of the designated tenant in attendance at the hearing.

Conclusion

I hereby order that the landlords retain \$325.00 of the security deposit in full satisfaction of the claim. This amount comprises \$300.00 for damage repair and garden cleanup, as well as \$25.00 which is half the filing fee for this application. I further order that the landlords pay the tenants forthwith in care of the designated tenant the amount of \$508.99, comprising the balance of the security deposit of \$500.00, plus interest of \$8.99.

September 22, 2008

Date of Decision