



Dispute Resolution Services

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

DECISION

Dispute Codes: MNSD

Introduction

This matter dealt with an application by the landlord for an order to retain the security deposit to satisfy all or part of a claim for damages to the rental unit.

The tenant has vacated the rental unit and did not appear at the hearing that was held via teleconference. The landlord has provided an affidavit of service which shows that the tenant was served the application for dispute resolution and the notice of hearing. I am satisfied that the tenant has been properly served, and that the hearing would continue in her absence.

Issue(s) to be Decided

Is the landlord entitled to retain all or part of the security deposit to satisfy her claim for damages to the rental unit?

Background and Evidence

The landlord provided written submissions and documents to support her claim for damages that the tenant had caused during the tenancy and had failed repair upon vacating the premises.

The amount of the damages as submitted by the landlord totals \$1084.60 and is for lock re-keying, garbage removal and cleaning, window damage, carpet cleaning and general repairs.

The landlord holds a security deposit which was originally paid on October 1, 2008 in the amount of \$300.00. The deposit plus interest now totals \$308.32.

Analysis

I find that the landlord has established a claim for damages of \$1084.60. The landlord's application has only asked to retain the security deposit, which totals \$308.32, so I am unable to award the landlord a monetary order for difference.

The landlord may be entitled to apply in a further application to seek an order for the balance of the damages, and I grant the landlord leave to reapply for the balance.

Conclusion

I find that the landlord may retain the security deposit plus interest in the amount of \$308.32 in partial satisfaction of her claim for monetary damages to the rental unit.

Dated: October 1, 2008