

DECISION

Dispute Codes: MNSD, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for the costs of cleaning and repairs, the liquidated damages, the filing fee for this application and retention of the security deposit in satisfaction of the claim.

Issues to be Decided

- Whether the landlord is entitled to a monetary order for loss and damage

Background and Evidence

The parties signed a residential tenancy agreement dated August 30, 2007 for a fixed term lease from September 11, 2007 to July 31, 2008. Clause 5 of this tenancy agreement calls for liquidated damages of \$495.00 in the event the fixed term tenancy is ended before July 31, 2008.

On September 11, 2008, the landlord and the tenant conducted a move-in inspection and the report was signed by both parties.

At the end of June, 2008, the tenant gave notice to end tenancy on July 31, 2008. On July 31, 2008, the landlord and the tenant's representative conducted a move-out inspection. Both parties signed a move-out inspection report acknowledging the following damages and the costs associated in addressing them.

Cleaning	\$30.00
Painting and repairs	\$24.00
Replacing broken globe	\$15.00
Liquidated damages	\$400.00

During the hearing, the landlord amended his claim for liquidated damages from \$400.00 to \$300.00. The landlord is therefore seeking a total of \$369.00 in damages.

Analysis

Based on all of the above, I find that the landlord has established a claim of \$419.00 comprised of \$369.00 in damages and the filing fee of \$50.00. The total amount of security deposit and interest in this case is \$503.40. I order that the landlord retain \$419.00 from this amount of security deposit and interest. The balance due to the tenant from the security deposit and interest is therefore \$84.40.

Conclusion

I hereby grant the tenant a monetary order under section 67 of the *Act* for \$84.40. This order must be served on the landlord and may be filed in the Small Claims Court and enforced as an order of that Court.

Dated October 15, 2008.