



Dispute Resolution Services

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

DECISION

Dispute Codes: OPR, OPC, MNR, MNSD, FF

Introduction

This matter dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent and utilities and damage to the rental unit. The landlord also seeks to recover the filing fee for the cost of this application and to retain all or part of the security deposit.

At the start of the hearing the landlord advised that the tenant had vacated on October 15, 2008 and as such, an order of possession is not required.

The tenant did appear at the hearing, although she was 9 minutes late signing into the teleconference and the hearing had commenced on time as scheduled.

Issue(s) to be Decided

Is the landlord entitled to a monetary order, and if so in what amount?

Background and Evidence

The landlord's oral evidence at the hearing is that rent in the amount of \$475.00 per month was not paid for September, 2008 and that the tenant also owes ½ months rent for October 2008.

The landlord also alleges an unpaid cable bill of \$50.00, \$50.00 for carpet cleaning and \$100.00 for damages. The landlord did not submit any invoices, bills or estimates in support of his claims.

The tenant's evidence is that the rent for September was paid by direct government issued cheque and that she was told by the landlord that she could stay for the first part of October at no charge. The tenant also states that she cleaned the carpets three weeks prior to vacating the premises, and that there was no damage to the rental unit.

After the tenant testified, I questioned the landlord about the direct payment of the rent for September and he recalled that it had actually been paid. The landlord also admitted that there had not been a move out inspection, nor he pursued the required opportunities with the tenant for such an inspection.

Analysis

I do not find the evidence given by the landlord at the hearing to be credible. Prior to the tenant's testimony, the landlord had been adamant about the rent owing for September. The landlord has also failed to supply any evidence to substantiate his claims for cable services, carpet cleaning and damage to the rental unit.

I prefer the evidence of the tenant and as such do not find any basis for the landlord's claim.

Conclusion

I dismiss the landlord's application for a monetary order, and find no basis for the landlord to retain the security deposit, which must be returned.

Dated: October 29, 2008

