



# Dispute Resolution Services

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

## **Decision**

### **Dispute Codes:**

<u>MNR</u>	Unpaid Rent or Utilities
<u>MNSD</u>	Retain Security Deposit
<u>FF</u>	Recover the Filing Fee for this Application from the Respondent

### **Introduction**

This Dispute Resolution hearing was convened to deal with an Application by the landlord for a monetary order for money owed or compensation for damage or loss under the Act and an order to retain the security deposit in partial satisfaction of the claim.

Both the landlord and tenants were represented and each gave affirmed testimony in turn. A witness for the landlord also appeared

### **Issue(s) to be Decided**

The landlord was seeking an Order of Possession and a monetary order for a total claim of \$1,185.00

The issues to be determined based on the testimony and the evidence are:

- Whether the landlord is entitled to monetary compensation under section 67 of the *Act* for rental arrears owed damages or loss of rent. This determination is dependant upon answers to the following questions:
  - Has the landlord submitted proof that the specific amount of rent being claimed is validly owed by the tenant to this landlord?

- Has the landlord submitted proof that a claim for damages or loss is supported pursuant to *section 7* and *section 67* of the *Act*?

During the proceedings, however, the tenant conceded that the money being claimed was validly owed to the landlord by the tenant. The tenant agreed to surrender the security deposit and also made a commitment to pay the remainder of the debt in installments of \$300.00 to be submitted on October 10, 2008, October 24, 2008 and the remainder to be paid on November 7, 2008.

### Findings

Accordingly, based on the testimony of both parties, I find that the landlord has established a total monetary claim of \$1,235.00 comprised of \$995.00 rent for the month of June 2008, \$90.00 rental arrears for the month of May 2008, \$50 for carpet cleaning, \$50.00 to repair and paint the wall and the \$50.00 fee paid by the Landlord for this application. I order that the landlord retain the security deposit and interest of \$460.02 in partial satisfaction of the claim leaving a balance due of \$774.98.

### Conclusion

I hereby grant the landlord a monetary order under section 67 of the *Act* for \$774.98. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

October 16, 2008

Date of Decision