



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: MNSD & FF

Introduction:

This hearing dealt with an application by the landlord for an Order allowing him to retain all or a portion of the tenant's security deposit plus interest. The landlord also sought a claim for unpaid rent and for damage to the walls of the rental unit.

Both the landlord and the tenant appeared for the hearing and were provided the opportunity to present affirmed evidence and respond to the evidence of the other party. I have accepted the landlord's claim for outstanding rent and damage to the rental unit as part of this application as the tenant was served with the particulars of the landlord's claim.

Issues to be Determined:

Has the landlord established a claim for outstanding rent and damage to the walls of the rental unit? Can the landlord retain a portion of the tenant's security deposit plus interest in partial satisfaction of this claim?

Background and Evidence:

This tenancy began on March 15, 2008 for the monthly rent of \$1,400.00 and a security deposit of \$700.00. The tenancy ended effective October 15, 2008. The landlord deducted \$150.00 from the tenant's security deposit related to damage to the walls of the rental unit and returned the remaining sum of \$590.00 to the tenant.

The tenant did not dispute that there is outstanding rent of \$1,400.00 due to a mix up with the post dated cheques he provided the landlord. The tenant disputed the claim by the landlord for the damage to the walls because he was not provided the opportunity to repair the walls himself.

Analysis and Reasons:

I accept the landlord's claim for outstanding rent of \$1,400.00 as this issue is not in dispute. The parties agreed in the hearing that the landlord was entitled to the sum of \$75.00 instead of \$150.00 for the repairs to the walls of the rental unit to settle this dispute. The parties also agreed to share the cost of the filing fee for this application equally.

Therefore, the landlord has established a total monetary claim for the sum of \$1,350.00. I grant the landlord a monetary claim for this sum which can be enforced through the Province of British Columbia Small Claims Court.

Conclusion:

The parties reached a mutual agreement to resolve this dispute resulting in a monetary Order to the landlord for the sum of **\$1,350.00**.

Dated February 02, 2009.

Dispute Resolution Officer