



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

This conference call hearing was convened in response to the landlord's application for a monetary order, to retain the tenant's security deposit, and to recover the filing fees associated with this application.

The landlord participated in the hearing and provided affirmed testimony. I am satisfied that the tenants received proper service of this Notice of Dispute Resolution by registered mail sent May 19, 2010. The tenants did not participate and the hearing proceeded in their absence.

Issue to be Decided

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

Background and Evidence

The rental unit is located in a downtown Vancouver apartment complex. The tenancy began on November 1, 2009, for a fixed term ending on October 31, 2010. The monthly rent was \$1995.00 and the tenants paid a security deposit of \$997.50.

The landlord testified that tenant J. P. fell asleep while leaving the bathtub faucet running. By the time the tenant woke up, the tub had overflowed, flooded the suite and caused damage that required immediate repairs.

The landlord's documentary evidence established that this incident occurred on March 30, 2010. A signed Mutual Agreement to End a Tenancy was included in the evidence, terminating the tenancy on May 31, 2010.

The landlord testified that he met with tenants to discuss the terms of monetary recovery for the damages. The landlord agreed to receive monthly instalments one of which was paid by the tenant A.S.. However, the landlord has not heard from A. S. since July 1st, 2010. At the time of this hearing, a balance of \$852.50 remains owing, which takes into consideration retention of the damage deposit and the filing fees.

The landlord has filed an application for dispute resolution to claim a monetary order for the balance owed by the tenants.

Analysis and conclusion

I accept the landlord's evidence and find that the landlord is entitled to claim \$852.50 to compensate for the damages incurred by the tenants in this matter. This amount takes into consideration the inclusion of the security deposit and the landlord's filing fee.

Accordingly, I order that the landlord retain the security deposit and grant the landlord an order pursuant to section 67 of the *Residential Tenancy Act* in the amount of \$852.50.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.