



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MND, MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for compensation for damage to the rental unit, damage or loss under the Act, to retain all or part of the security deposit and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on September 2, 2010 copies of the Application for Dispute Resolution and Notice of Hearing were sent to each tenant by registered mail. During the move-out condition inspection on August 31, 2010, the male tenant wrote the forwarding address on to the back of the report; service was made to that forwarding address. A Canada Post tracking number was provided as evidence of service to each tenant and the landlord testified that the Canada Post web site indicated that the mail had been received by each tenant.

These documents are deemed to have been served in accordance with section 89 of the Act; however the tenants did not appear at the hearing.

Preliminary Matter

There was no evidence before me of a claim in relation to damage or loss under the Act. The total claim made was in relation to damages to the rental unit.

Issue(s) to be Decided

Is the landlord entitled to compensation for damage to the rental unit in the sum of \$238.60?

Is the landlord entitled to retain the deposit in satisfaction of the claim for compensation?

Is the landlord entitled to filing fee costs?

Background and Evidence

The tenancy ended on August 31, 2010, and a condition inspection report, submitted as evidence, was signed by the landlord and the male tenant, acknowledging damages and cleaning that was required.

The landlord has claimed costs as follows:

Cleaning	100.00
Broken lock	106.40
TOTAL	231.40

Verification of expenditures for each item were supplied as evidence by the landlord in the form of invoices issued for services provided by the landlord and receipts for cleaning (\$100.00;) the light fixture (\$25.00;) lock replacement (\$106.40 for 1 lock) and additional costs not claimed. Photographs of the damages to the unit were also supplied as evidence which confirmed the claim submitted.

The landlord is holding a deposit in the sum of \$470.00 which was paid on January 30, 2010.

Analysis

In the absence of evidence to the contrary, I find that the tenants have acknowledged the cleaning and repairs required to the unit and that they are responsible for those costs. Further, section 32 of the Act requires tenants to leave a unit reasonably clean and to repair damages, beyond normal wear and tear, caused by the tenant.

Therefore, the landlord is entitled to reimbursement in the sum of \$231.40.

I find that the landlord's application has merit, and I find that the landlord is entitled to recover the \$50.00 filing fee from the tenant for the cost of this Application for Dispute Resolution.

I find that the landlord is entitled to retain the tenant's security deposit, in the amount of \$231.40, in satisfaction of the monetary claim. I have issued a monetary order to the tenants in the sum of \$188.60, the balance of the deposit owed to the tenants.

Conclusion

I find that the landlord has established a monetary claim, in the amount of \$281.40, which is comprised of \$231.40 in cleaning and repair costs and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

The landlord will be retaining the tenant's security deposit plus interest, in the amount of \$281.40, in partial satisfaction of the monetary claim.

Based on these determinations I grant the tenants a monetary Order for the balance of the deposit in the sum of \$188.60.

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*.

Dated: December 13, 2010.

Dispute Resolution Officer