



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the "Act") for Orders as follows:

1. An Order to retain the security / pet deposit - Section 38
2. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord's evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing.

The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The undisputed facts are as follows: The tenancy began on May 8, 2009 and ended on February 1, 2011. At the outset of the tenancy, the Landlord collected a security deposit from the Tenant in the amount of \$750.00. Move-in and move-out condition inspections were completed between the Landlord and Tenant and the reports of both were provided by the Landlord. At the end of the tenancy, the Tenant failed to completely clean the inside of the unit and left a considerable amount of garbage outside the unit. The Landlord claims **\$220.00** for completing the cleaning and hauling away the garbage. The Tenant also failed to pay utilities owing and the Landlord claims

the amount of **\$538.62** for these arrears from the following years: for 2009, \$121.69; for 2010, \$319.37; for 2011, \$97.56. The quantum of the Landlord's monetary claim is **\$758.62 (\$220.00 + 538.62)**.

Analysis

Based on the landlord's undisputed evidence, I find that the Landlord has established a monetary claim for \$758.62 for unpaid utilities and cleaning expenses. The Landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$808.62**. The **security deposit** will be off-set from the award made herein.

Calculation for Monetary Order

Utility arrears	\$538.62
Cleaning costs	220.00
Filing Fees for the cost of this application	50.00
Less Security Deposit and interest <i>to date</i>	-750.00
Total Monetary Award	\$58.62

Conclusion

I order that the Landlord retain the **deposit** and interest of \$750.00 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for the balance due of **\$58.62**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

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: June 02, 2011.

Residential Tenancy Branch