

## **DECISION**

Dispute Codes      MND, MNR, MNSD, MNDC, FF

### Introduction

This hearing dealt with an application by the landlord seeking a monetary order. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on May 12, 2011. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

### Issues to be Decided

Is the landlord entitled to a monetary order?

### Background and Evidence

The tenancy began on or about September 1, 2010 and ended November 30, 2010. Rent in the amount of \$1595.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$797.50. The tenancy was to be for a one year term. The landlord had refunded the tenant \$534.70, however there was some accounting errors attributed to the landlords office and the landlord seeks to correct an overpayment of a refund towards the tenant. The landlord had filed within 15 days of the end of tenancy where the Dispute Resolution Officer dismissed their application with leave to reapply due to not being able to provide proper documentation at that time of costs incurred.

### Analysis

The landlord now has provided evidence of costs incurred and fees that are the responsibility of the tenant. The costs of cleaning the unit, agreed upon liquated damages, move in-incentive, carpet cleaning and filing fee = \$ 473.60. The security deposit of \$797.50 – total costs \$473.90 = remaining amount of security deposit of \$323.90.

Taking into account the \$534.70 refund overpayment minus the actual amount of security deposit that remains of 323.90, the landlord is entitled to the return of \$210.80.

I grant the landlord an order under section 67 for the balance due of \$210.80. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The landlord is granted a monetary order for \$210.80.

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: August 23, 2011.

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Residential Tenancy Branch