



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNR, MNSD, MNDC, MND, FF

Introduction

This hearing was convened to deal with an Application for Dispute Resolution by the landlord for a monetary order for rent and damages and an order to retain the security deposit in partial satisfaction of the claim. Both parties appeared and gave testimony.

Background and Evidence

A mediated discussion ensued, the outcome of which was that the parties successfully reached a mutual agreement and the tenant accepted that the amounts being claimed were owed. The tenant shall willingly forfeit the \$450.00 security deposit plus interest and pay the landlord a further \$1,079.00 in full satisfaction of the landlord's monetary claims. The tenant only disputed the portion of the landlord's application seeking the \$50.00 cost of filing the application.

Analysis

Section 72 of the Act states that a dispute resolution officer may order payment or repayment of a fee under section 59 (2) (c) [*starting proceedings*] by one party of a dispute resolution proceeding to another party.

In this instance I find that the landlord had incurred expenditures due to the tenant's failure to comply with the Act by being forced to make an application for dispute resolution at a cost of \$50.00. I find that the landlord is entitled to be reimbursed for this cost. Based on the evidence, I find that the total compensation to which the landlord is entitled is \$1,129.00 comprised of \$1,079.00 for agreed-upon cleaning, repairs and rent and the \$50.00 cost of the application

Conclusion

I hereby issue a monetary order to the landlord in the amount of \$1,129.00. This order must be served on the applicant and is enforceable through Small Claims Court if necessary.

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: February 28, 2012.

Residential Tenancy Branch