



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MND, MNSD and FF

### Introduction

This hearing was convened on the landlord's application of January 25, 2012 seeking a monetary award for unpaid rent and cleaning and repairs to the rental unit. The landlord also sought recovery of the filing fee for this proceeding and authorization to retain the tenant's security deposit in set off against the balance found to be owed.

As a matter of note, the landlord submitted an amended application by fax on March 21, 2012. Rule 2.5 under the Rules of Procedure requires that an amendment must be filed at least seven clear days before the hearing (weekends excluded from the count) and must provide the respondent with a copy at least five clear days before the hearing. The point became moot when the landlord withdrew a request for compensation for painting.

### Issue(s) to be Decided

This matter requires a decision on whether the landlord is entitled to a monetary award for the claims submitted and authorization to retain all or part of the security deposit in set off against any balance found to be owed.

### Background, Evidence and Analysis

This tenancy began on October 1, 2009 and the tenant vacated on or about January 10, 2012. Rent was \$956 per month and the landlord holds a security deposit of \$467.50 paid on September 30, 2009.

During the hearing, the landlord gave evidence, supported by receipts, and the tenant concurred with every one of the following claims.

Rent shortfall January 2012	\$478.41
Repairs	45.00
Carpet cleaning	154.00
Filing fee	50.00
Sub total	\$757.41
Less retained security deposits (no interest due)	- 467.50
<b>TOTAL remaining balance owed to landlord by the tenant</b>	<b>\$289.91</b>

### Conclusion

In addition to authorization to retain the tenants' security deposit in set off, the landlord's copy of this decision is accompanied by a Monetary Order for **\$289.91**, enforceable through the Provincial Court of British Columbia, for service on the tenant

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: March 28, 2012.

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Residential Tenancy Branch