



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order to retain the security deposit towards outstanding strata fines, cleaning and repairs. Service of the hearing document, by the landlord to the tenant, was done in accordance with section 88 of the *Residential Tenancy Act*. The landlord served a copy of her application and the notice of hearing by registered mail and filed a copy of the tracking slip.

Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to retain the security deposit?

Background and Evidence

The tenancy started on May 01, 2011 and ended on April 30 2012. The monthly rent was \$800.00 payable on the first day of each month. Prior to moving in the tenant paid a security deposit of \$400.00.

The landlord testified that she received notices of violation of the strata by laws by the tenant which were followed by notices of fines when the tenant continued to be non compliant. The landlord filed documents to support the amount of the fines which totalled \$400.00. The landlord also filed photographs and invoices to support her testimony of the damage caused to the unit by the tenant and the cost of cleaning and repairs.

Analysis

Based on the documentary evidence filed by the landlord and in the absence of any contradictory evidence, I find that the tenant is responsible for \$2,049.86 in strata fines, cleaning and repairs. Accordingly, I find that the landlord is entitled to retain the security deposit in partial satisfaction of her claim against the tenant.

Conclusion

I order that the landlord retain the security deposit of \$400.00.

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: July 06, 2012.

Residential Tenancy Branch