



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, MNDC, FF

Introduction

This was the hearing of the landlord's application for a monetary order and an order to retain the security deposit in partial satisfaction of the monetary award. The hearing was conducted by conference call. The landlord is a property management company acting for the owners of the rental property. The landlord's representative and the owners of the rental property called in and participated in the hearing as did the tenants.

Issue(s) to be Decided

Is the landlord entitled to a monetary award for the cost of cleaning and repairs to the rental unit and if so, in what amount?

Background and Evidence

The rental unit is a property in Kelowna described as a carriage house. The tenancy began on May 1, 2009 for a fixed term, and thereafter on a month to month basis. The tenants paid a security deposit of \$697.50 at the commencement of the tenancy.

The tenancy ended on July 31, 2012. The landlord has claimed a monetary order in the amount of \$5,300.00 for the costs to clean and repair damage to the rental unit, in particular damage caused by the tenants' unauthorized pets. The landlord submitted documents and photographs and repair estimates to substantiate the monetary amounts claimed. The tenants submitted their own photographs of the rental unit in response to the landlord's evidence.

Analysis

During the course of the hearing the landlord and the tenant arrived at a settlement of the landlord's claims in this proceeding. The tenants agreed to the granting of an award to the landlord as compensation for damage to the rental property in the amount of \$3,500.00. The landlord and the tenants agreed that the landlord shall retain the security deposit of \$697.50, rounded to \$700.00 for ease of calculation, in partial

satisfaction of the award and that the landlord would receive a monetary order for the balance of \$2,800.00.

The parties agreed that I should embody the terms of the agreed settlement in the form of an enforceable decision and monetary order and, pursuant to the agreement of the parties, I award the landlord the sum of \$2,800.00. I make no award with respect to the filing fee for this application. I order that the landlord retain the security deposit of \$697.50 in partial satisfaction of this award and I grant the landlord a monetary order under section 67 for the balance in the amount of \$2,800.00. This order may be registered in the Small Claims Court and enforced as an order of that court. The landlord agreed at the hearing that it will not take enforcement proceedings provided the tenants pay the landlord the amount of the monetary award in six equal monthly instalments of \$466.66 commencing on December 1, 2012 and continuing on the first of each succeeding month until paid.

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: November 09, 2012.

Residential Tenancy Branch