



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MN, MNSD, FF

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67;
2. An Order to retain all or a portion of the security and/or pet deposit pursuant to Section 38; and
3. An Order to recover the filing fee pursuant to Section 72.

I accept that the tenant was properly served with the Application for Dispute Resolution hearing package by way of registered mail.

Both parties were given a full opportunity to be heard, to present evidence and to make submissions. Neither party requested an adjournment or a Summons to Testify.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

### **Issue(s) to be Decided**

Whether the landlord is entitled to monetary order for compensation for damage and/or loss and whether the landlord is entitled to recovery of the filing fee paid for this application.

## **Background and Findings**

### **Monetary Order**

The tenant agrees with the \$180.00 claim that the landlord has made but stated that she did not have an opportunity to attend a move-out inspection.

The landlord agreed that there were difficulties with her schedule which prevented her from performing a move-out inspection with the tenant.

As the tenant has agreed to the cleaning charges of \$180.00 that sum will be awarded to the landlord.

### ***Security Deposit***

I find further that the landlord is entitled to retain a portion of the security deposit in satisfaction of the monetary award made herein.

### ***Filing Fees***

As the tenant has agreed to the charges and the landlord has agreed she was unable due to her own schedule to arrange a move-out inspection I decline to award the landlord recovery of the filing fee.

I make this finding because had the landlord been able to arrange a mutually convenient time to meet to perform a move-out inspection as is required of landlords then the parties may have been able to arrive at a mutual agreement to deal with the charges now claimed.

### ***Calculation of total Monetary Award***

Cleaning Charges	180.00
Filing Fees for the cost of this application	0.00
Less Security Deposit (no interest accrued)	-342.50
<b>Total Sum to be returned by landlord to tenant</b>	<b>\$162.50</b>

**Conclusion**

The tenant is provided with a formal copy of an order for the total monetary award as set out above. This is a final and binding Order enforceable as any Order of the Provincial Court of British Columbia.

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 13, 2013

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Residential Tenancy Branch

