



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MDSD & FF

Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondents although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the male tenant AB on April 26, 2013. The Application has failed to spell the female tenant's name correctly as it does not match the name on the tenancy agreement. Further, the landlord failed to serve the female tenant. As a result I ordered that the application against the female tenant be dismissed with liberty to re-apply as she has not been properly identified in the Application for Dispute Resolution or properly served. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to A Monetary Order and if so how much?
- b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began on December 20, 2012 when the parties entered into a one year fixed term tenancy that provided that the rent was \$1300 per month payable on the first

day of each month. The tenants paid a security deposit of \$650 shortly after the start of the tenancy.

The tenant vacated the rental unit some time prior to April 12, 2013 without giving the landlord notice they were vacating. The rent for April was not paid and the sum of \$1300 remains owing. The rental unit has been re-rented commencing June 1, 2013.

Analysis - Monetary Order and Cost of Filing fee

With regard to each of the landlords' claims against the male Tenant I find as follows:

1. I determined the landlord has established a claim against the Tenant in the sum of \$1300 for non-payment of the rent for April.
2. I determined the landlord has established a claim against the male Tenant in for hydro to March 27, 2013 and gas to March 27, 2013 all of which totals \$520.
3. I determined the landlord has established a claim against the male Tenant in the sum of \$99 for dump fees for the cost of garbage removal.
4. I determined the landlord has established a claim against the male Tenant in the sum of \$250 for the cost of cleaning.
5. I determined the landlord has established a claim against the male Tenant in the sum of \$300 for the cost of replacing 100 square feet of flooring that was damaged by the tenant.
6. I determined the landlord has established a claim against the male Tenant in the sum of \$42.50 for bank NSF fees.

In summary I ordered that the male tenant pay to the landlord the sum of \$2511.50 plus the sum of \$50 for the cost of the filing fee for a total of \$2561.50.

Security Deposit

I determined the security deposit plus interest totals the sum of \$650. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1911.50.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

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: May 23, 2013

Residential Tenancy Branch

