



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Advent Real Estate Services Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDC, MNSD, FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order and an order permitting retention of the security deposit in partial satisfaction of the claim. Although served with the Application for Dispute Resolution and Notice of Hearing by personal service on April 11, 2013 and by registered mail actually received on April 25, 2013, the tenant did not appear.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order and, if so, in what amount?

### Background and Evidence

This month-to-month tenancy commenced March 1, 2011 and ended March 31, 2013. The monthly rent of \$2000.00 was due on the first day of the month. The tenant paid a security deposit of \$975.00.

The landlord testified that there were two occasions when the tenant's toilet overflowed causing extensive damage to the building and/or the units below. The first was on May 2, 2012 and the second was on December 17, 2012. The cause of the first flood was verified by a report from the plumber and the cause of the second flood was verified by a letter from the strata council. On both occasions, the owner was required to activate his insurance to pay for the resulting damage and on both occasions the owner had to pay a \$500.00 deductible.

On January 18, 2012, the landlord received a notice of bylaw infraction regarding two extended stays in the Visitor Parking and was assessed a fine of \$200.00, which was paid by the landlord.

### Analysis

I find, on the evidence before me, that the tenant was responsible for the two floods and is therefore responsible for the costs incurred by the landlord as a result.

I also find that the tenant is responsible for the fines imposed by the strata council.

Conclusion

I find that the landlord has established a total monetary claim of \$1250.00 comprised of two insurance deductibles paid by the landlord, each in the amount of \$500.00; strata fine of \$200.00; and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the deposit of \$975.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$275.00. If necessary, this order may be filed in the Small Claims 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: June 17, 2013

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Residential Tenancy Branch

