



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for a monetary order for rental arrears left by the tenant at the end of the tenancy. The landlord was also claiming the cost of changing the locks. The landlord was seeking to keep the security deposit in partial satisfaction of the claim.

Despite being served by registered mail sent on April 17, 2013, as verified by the Canada Post tracking number, the respondent did not appear.

Issue(s) to be Decided

Is the landlord entitled to compensation for rental arrears owed and for locks?

Background and Evidence

The tenancy began approximately one year ago with rent of \$600.00 and a security deposit of \$300.00 was paid. No documents were in evidence.

The landlord testified that the tenant gave no notice and vacated in March 2013 leaving a debt owed to the landlord of \$900.00. The tenant vacated without paying and the landlord is seeking compensation. In addition, the landlord seeks \$187.00 for the cost of changing the locks. No receipt was submitted to verify costs.

Analysis

With respect to the rent, I find that section 26 of the Act states that rent must be paid when it is due. I find that the tenant did not pay in accordance with the Act and must now compensate the landlord for rental arrears in the amount of \$900.00.

In regard to the claim for changing the locks, I find that Section 25 of the Act places the responsibility for the cost of changing the locks at the beginning, or end of the tenancy on the landlord. Section 25(1) states that at the request of a tenant at the start of a new tenancy, the landlord must:

(a) rekey or otherwise alter the locks so that keys or other means of access given to the previous tenant do not give access to the rental unit, and

(b) pay all costs associated with the changes under paragraph (a).

Awards for damages are intended to be restorative, meaning the award should place the applicant in the same financial position had the damage or loss not occurred. I find it likely that the landlord would incur the cost of providing re-keyed or new locks for the new renters and for the security of the property.

Accordingly I dismiss the landlord's claim for compensation for the cost of the new locks.

Given the above, I find that the landlord has established a total monetary claim of \$950.00 comprised of \$900.00 for rental arrears and the \$50.00 cost of this application. I order that the landlord retain the security deposit of \$300.00 in partial satisfaction of the claim leaving a balance due of \$650.00.

I hereby grant the Landlord an order under section 67 for \$650.00. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

The remainder of the landlord's application is dismissed without leave.

Conclusion

The landlord is partially successful in the application and is granted a Monetary Order.

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 09, 2013

Residential Tenancy Branch