



# 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 a representative of the applicant and in the absence of the respondent 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 sufficiently served on the Tenant by mailing, by registered mail on September 25, 2013 to where the Tenant resides. The Residential Tenancy Act provides that it is deemed received 5 days later. 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 parties entered into a written tenancy agreement that provided that the tenancy would start on February 1, 2013. The rent is \$900 per month payable on the first day of each month. The tenant paid a security deposit of \$450 at the start of the tenancy.

The tenant(s) failed to pay the rent for the months of June, July and August 2013 and the sum of \$2700 remains owing. The tenant(s) finally removed all of his belongings on August 20, 2013. I determined the tenancy ended on that date. .

Summary of the Law:

The Residential Tenancy Act provides the tenant must maintain reasonable health, cleanliness and sanitary standards throughout the rental unit and the other residential property to which the tenant has access. The tenant must repair damage to the rental unit or common areas that is caused by the actions or neglect of the tenant or a person permitted on the residential property by the tenant and is liable to compensate the landlord for failure to do so. In some instances the landlord's standards may be higher than what is required by the Act. The tenant is required to maintain the standards set out in the Act. The tenant is not required to make repairs for reasonable wear and tear. The applicant has the burden of proof to establish the claim on the evidence presented at the hearing.

Analysis - Monetary Order and Cost of Filing fee

With respect to each of the landlord's claims I find as follows:

- a. I determined the tenant has failed to pay the rent for the month(s) of June, July and August 2013 and the sum of \$2700 remains outstanding.
- b. I determined the tenant failed to remove all of his garbage and the landlord is entitled to the sum of \$100 for the cost of garbage removal and dump fees.
- c. I determined the tenant failed to sufficiently clean the rental unit and the landlord is entitled to the sum of \$190 for the cost of cleaning.
- d. I determined the landlord is entitled to \$79 for the cost of door repair and lock replacement.
- e. I determined the landlord is entitled to \$150 for the cost of yard maintenance.

**I granted the landlord a monetary order in the sum of \$3219 plus the sum of \$50 in respect of the filing fee for a total of \$3269.**

Security Deposit

**I determined the security deposit plus interest totals the sum of \$450. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$2819.**

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: December 11, 2013

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Residential Tenancy Branch

