



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      FF, MNDC, MNSD, MNR

### Introduction

This is an application for a Monetary Order for \$1621.00, plus a request to retain the full security deposit of \$300.00. The applicant is also requesting recovery of the \$50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on October 21, 2013; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing.

All testimony was taken under affirmation.

### Issue(s) to be Decided

Has the applicant established a monetary claim in the amount of \$1621.00?

Does the applicant have the right to also retain the full security deposit of \$300.00?

Should recovery of the \$50.00 filing fee be ordered?

### Background and Evidence

The applicant testified that:

- This tenancy began on June 15, 2012 as a fixed term tenancy with an expiry date of June 30, 2013.

- A security deposit of \$300.00 was also paid on June 15, 2012.
- The rent was four days late in March 2013, and the tenant failed to pay the April 2013 rent at all, and therefore on, April 16, 2013, he and the tenant signed a mutual agreement to end the tenancy on May 15, 2013.
- The tenant also agreed to pay rent up to May 15, 2013, and agreed to pay late fees, and agreed to pay for the cost of replacing propane that had been used.
- The tenant vacated on May 15, 2013, however he made no further payments.
- The tenant also left a large amount of debris and furnishings behind which had to be removed, and left the rental unit in need of significant cleaning.

The applicant is therefore requesting a Monetary Order as follows:

March 2013 late fees \$5.00 X 4	\$20.00
April 2013 rent outstanding	\$600.00
April 2013 late fees \$5.00 X 28	\$140.00
May 2013 rent outstanding	\$300.00
May 2013 late fees \$5.00 X 6	\$30.00
Replace use propane	\$166.00
Remove tenants furnishings and debris	\$300.00
Clean the rental unit	\$300.00
Filing fee	\$50.00
Total	\$1906.00

He is further requesting an order allowing him to keep the full security deposit of \$300.00 towards the claim and requests that a Monetary Order be issued for the difference.

### Analysis

It is my finding that the applicant has established the majority of his claim.

In the mutual agreement signed by both parties the tenant acknowledges that he owes rent for April 2013, and for one half of May 2013. The tenant also acknowledges owing the cost of propane, and late fees.

The tenant also failed to remove all his belongings and clean the rental unit, and as a result the landlord had to pay a management company to remove the belongings and to clean the unit. I therefore allow this portion of the claim.

It is my finding however that the amounts claimed for late fees exceed the amount allowed under the Residential Tenancy Regulations which only allow \$25.00 per month.

I also order recovery of the \$50.00 filing fee.

Therefore the total amount of the claim that I have allowed is as follows:

March 2013 late fees	\$20.00
April 2013 rent outstanding	\$600.00
April 2013 late fees	\$25.00
May 2013 rent outstanding	\$300.00
May 2013 late fees	\$25.00
Propane	\$166.00
Remove furnishings and debris	\$300.00
Clean the rental unit	\$300.00
Filing fee	\$50.00
Total	\$1786.00

### Conclusion

I have allowed \$1786.00 of the applicant's claim, and I therefore ordered that the applicant may retain the full security deposit of \$300.00, and I have issued a Monetary Order in the amount of \$1486.00.

The remainder of this claim is dismissed without leave to reapply.

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: January 21, 2014

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Residential Tenancy Branch

