



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PEMBERTON HOLMES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR, MND, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*, for a monetary order for unpaid rent, cost of repairs, unpaid utility bill and for the recovery of the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of the claim. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

The tenant acknowledged receipt of evidence submitted by the landlord. Both parties gave affirmed testimony.

During the hearing the parties agreed that the amount of the utility bill as charged by the City was excessive and decided to investigate further. The landlord requested that this portion of her application be dismissed with leave to reapply. Since the tenant was also in agreement, I dismiss the portion of the landlord's application for the cost of City utilities with leave to reapply.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid rent cost of repairs and for the recovery of the filing fee? Is the landlord entitled to retain the security deposit?

Background and Evidence

The tenancy started on January 01, 2006 and ended on December 31, 2013. The monthly rent was \$1,515.00 due on the first of each month and did not include utilities. Prior to moving in the tenant paid a security deposit of \$562.50.

The tenant agreed that he owed \$1,515.00 for rent for the month of December 2013. Both parties agreed to share the cost of fixing the window. Accordingly the tenant's share for the window repair is \$86.62.

Analysis

The tenant agreed that he owes a total of 1,601.62 for the repairs of the window and for unpaid rent. Since the landlord has proven her case, she is entitled to the recovery of the filing fee of \$50.00.

Overall the landlord has established a claim of \$1,651.62

I order that the landlord retain the security deposit of \$562.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$1,089.12. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

The landlord may retain the security deposit. I grant the landlord a monetary order in the amount of **\$1,089.12**.

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: April 30, 2014

Residential Tenancy Branch

