



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Realty Executives Eco-World
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for an order to retain part of the security deposit in compensation for money owed by the tenant.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord stated that they served the tenant with the application for dispute resolution and notice of hearing by registered mail sent on July 15, 2014.

Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on July 20, 2014, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The rental unit is a condo in a strata building. The tenancy began on August 1, 2013. The landlord stated that the tenant signed a Form K and received a copy of the strata rules. The tenancy ended on July 31, 2014. The landlord stated that the tenant had contravened strata rules or bylaws and incurred fines totalling \$250.

In support of their claim, the landlord submitted evidence including the following:

- copies of infraction letters from the strata, one dated April 22, 2014 and the other dated May 20, 2014, in which the strata detailed the rules that the tenant contravened;

- a copy of a Notice of Decision from the strata, dated July 2, 2014, in which the strata fined the landlord \$50 for the tenant's infraction;
- a copy of a Notice of Decision from the strata, dated September 11, 2014, in which the strata fined the landlord \$200 for the tenant's infraction; and
- a copy of the Landlord's Application for Dispute Resolution, filed July 9, 2014.

Analysis

I find that the landlord has established their claim for \$250. The evidence noted above shows that the tenants contravened strata rules or bylaws that resulted in \$250 in fines levied against the landlord.

As the landlord's application was successful, they are also entitled to recovery of the \$50 filing fee for the cost of this application.

Conclusion

The landlord is entitled to \$300. I order that the landlord retain this amount from the security deposit in full satisfaction of this amount, and I grant the tenant an order for the balance due of \$500. 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: December 5, 2014

Residential Tenancy Branch

