



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      MNR, MNSD, FF

### **Introduction**

This was an application by the landlord for a monetary order and to retain the tenant's deposits in full satisfaction of their monetary claim. The hearing was conducted by conference call.

The landlord participated in the hearing; but the tenant did not attend although served with the application and Notice of Hearing and the landlord's evidence, as well as a cheque - sent by registered mail on August 12, 2014. The landlord provided proof of mail registration including the tracking number for the mail and record indicating the registered mail received by the tenant. I find the tenant was served in accordance to the Act. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

### **Issue(s) to be Decided**

Is the landlord entitled to the amount claimed?

### **Background and Evidence**

The undisputed testimony and document evidence of the landlord is that the tenancy started November 01, 2013 and ended July 31, 2014. Rent payable was \$1050 per month. At the outset of the tenancy the landlord collected dual deposits of \$525.00 and \$200.00 - totalling \$725.00. At the end of the tenancy the landlord conducted an inspection and completed an inspection report on their own despite evidence from the landlord that they provided the tenant with the requisite notices of opportunities for an inspection and a final opportunity for an inspection. The landlord claims the tenant left the rental unit unclean and owing an amount for unpaid electrical utility. The landlord provided that they returned the amount of \$234.53 to the tenant and retained the balance of \$540.47 in trust.

The landlord claimed cleaning and disposal costs in the sum of \$410.00, and unpaid utility cost of \$30.47. The landlord provided copies of the invoice for the cleaning costs and copy of the City electrical utility bill, as well as a series of photographs depicting the condition of the rental unit at the end of the tenancy – in support of their claim.

### **Analysis**

I accept the landlord's testimony and documentary evidence submitted as establishing that they incurred the amounts claimed and that they are entitled to compensation in the total of \$440.47. The landlord is entitled to recover the \$50.00 filing fee paid for their application for a total award of **\$490.47**. The remainder of the dual deposits will be offset from the award made herein. *Calculation for Monetary Order as follows:*

Cleaning and disposal charges	\$410.00
Outstanding electrical utility charges	\$30.47
Filing Fees for the cost of this application	\$50.00
<b>Total of landlord's entitlement</b>	<b>\$490.47</b>
<i>Less remaining deposit(s) held in trust by landlord</i>	<i>-\$540.47</i>
<b>Total Monetary Award to tenant</b>	<b>(\$50.00)</b>

### **Conclusion**

**I Order** that the landlord retains \$490.47 of the tenant's remaining dual deposits in full satisfaction of their claim and I grant the tenant an order under Section 67 of the Act for the remaining balance of their dual deposits in the amount of **\$50.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an order of that Court.

**This Decision is final and binding on both parties.**

*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: March 02, 2015

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Residential Tenancy Branch