



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CORONET REALTY LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This hearing dealt with a landlord's application for a Monetary Order for unpaid rent and utilities; and, authorization to retain the security deposit and pet damage deposit in partial satisfaction of the amounts owed. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Preliminary Matter

I heard that the parties had a previous dispute resolution proceeding concerning unpaid rent. The landlord provided the file number for that proceeding and I confirmed that the landlord had been granted to leave to reapply for a Monetary Order for unpaid rent and utilities. Therefore, I continued to hear this Application.

Issue(s) to be Decided

1. Is the landlord entitled to the amounts claimed for unpaid rent and utilities?
2. Is the landlord authorized to retain the tenant's security deposit and pet damage deposit?

Background and Evidence

The tenancy commenced January 26, 2011 and the landlord collected a security deposit of \$500.00 and a pet damage deposit of \$500.00. At the start of the tenancy the monthly rent was \$1,000.00 and pursuant to Notices of Rent Increase served throughout the tenancy the monthly rent was \$1,106.45 for the months that are the subject of this Application. The tenant vacated the rental unit in September 2014. It was undisputed that the tenant owed the landlord rent for the months of May through September 2014..

It was also undisputed that the tenant was required to pay for hydro equivalent to 50% of the hydro bills and that the tenant owed the landlord \$307.06 and \$350.22 for her share of the hydro bills.

The landlord prepared a ledger showing the above charges, along with two partial payments made by the tenant in the amounts of \$500.00 and \$400.00 in May 2014 and July 2014 respectively. The tenant was in agreement with the amounts appearing in the landlord's ledger and acknowledged that she owed these amounts. The tenant explained that she did not pay all of the rent and utilities that were due because of financial difficulties she suffered after losing her job.

In addition to the above amounts, the landlord requested recovery of \$80.00 for the filing fee and an administration fee for filing this Application.

Analysis

Based upon the undisputed evidence before me, I am satisfied the landlord is entitled to the amounts for rent and hydro that appear in the landlord's ledger and I award the landlord the sum of \$5,289.98 as claimed.

I further award the landlord recovery of \$50.00 for the filing fee paid for this Application; however, other costs to prepare and participate in a dispute resolution proceeding are not recoverable under the Act and I deny the landlord's request for an administrative fee.

Pursuant to section 72 of the Act, I authorize the landlord to retain the tenant's security deposit and pet damage deposit in partial satisfaction of the amounts owed to the landlord.

In light of the above, I provide the landlord with a Monetary Order calculated as follows:

Unpaid Rent and Utilities – as per ledger	\$5,289.98
Plus: filing fee	50.00
Less: security deposit and pet damage deposit	<u>(1,000.00)</u>
Monetary Order for landlord	\$4,339.98

To enforce the Monetary Order it must be served upon the tenant and it may be filed in Provincial Court (Small Claims) to enforce as an Order of the court.

Conclusion

The landlord has been authorized to retain the tenant's security deposit and pet damage deposit and has been provided a Monetary Order for the balance of \$4,339.98 to serve and enforce as necessary.

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 24, 2015

Residential Tenancy Branch

