



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNR, MNDC, MNSD, FF

### Introduction

The landlord applies for a monetary award for unpaid rent and damages for cleaning and late fees.

The tenant did not attend the hearing. On the testimony of the landlord I find that he duly served her in person with the application and notice of hearing on February 18, 2015 at her new residence.

On the undisputed evidence I award the landlord \$975.00 for February rent, \$50.00 in late fees, \$75.00 for suite cleaning and \$25.00 and for cleaning supplies.

Though I find that the tenant failed to attend the move-out inspection though given two opportunities to do so and she has therefore lost the right to claim back her deposit, the \$487.50 security deposit being held by the landlord must be offset from this award, in accordance with Residential Tenancy Policy Guideline 17 "Security Deposit and Set off [sic]." The relevant provision of the guideline provides:

In cases where the tenant's right to the return of a security deposit has been extinguished under section 24 or section 36 of the Act, and the landlord has made a monetary claim against the tenant, the security deposit and interest, if any, will be set off against any amount awarded to the landlord notwithstanding that the tenant's right to the return of the deposit has been extinguished. In this situation, while the right to the return of the deposit has been extinguished, the deposit itself remains available for other lawful purposes under the Act.

In result, the landlord is entitled to a monetary award totalling \$1125.00 plus recovery of the \$50.00 filing fee, less the \$487.50 security deposit. There will be a monetary order against the tenant for the remainder of \$687.50.

This decision was rendered orally and 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 14, 2015

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Residential Tenancy Branch

