



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, FF

### Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for compensation - Section 67; and
2. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not participate in the hearing. 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 monetary amounts claimed?

### Background and Evidence

The tenancy started on June 1, 2014 and ended on November 1, 2014. At the outset of the tenancy the Landlord collected \$775.00 as a security deposit and \$400.00 as a pet deposit. The Tenant provided its forwarding address to the Landlord at the end of the tenancy. In addition to the tenancy agreement, the Tenant signed a form K indicating compliance with the Strata Rules. The Tenant was provided a copy of these Rules. The Landlord was fined a total of \$1, 200.00 by the Strata for the Tenant’s breach of the rules when the Tenant’s dog caused six disturbances during the tenancy. The Landlord

paid these fines at the end of the tenancy through the Landlord's preauthorized account with the Strata. The Landlord claims \$1,200.00.

### Analysis

Section 7 of the Act provides that where a tenant does not comply with the Act, regulation or tenancy agreement, the tenant must compensate the landlord for damage or loss that results. Based on the undisputed evidence that the Tenant breached the Strata rules and considering the Landlord's evidence of fines and payment, I find that the Landlord has substantiated its claim to **\$1,200.00**. The Landlord is also entitled to recovery of the **\$50.00** filing fee for a total entitlement of **\$1,250.00**. Deducting the security and pet deposit of **\$1,175.00** plus zero interest from this amount leaves **\$75.00** owed by the Tenant.

### Conclusion

I Order the Landlord to retain the security and pet deposit plus interest of \$1,175.00 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for **\$75.00**. If necessary, 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: June 09, 2015

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Residential Tenancy Branch

