



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 140246 Canada Inc.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This hearing dealt with an application by the landlord seeking to retain a portion of the security deposit. Despite having been served with the landlords' documentary evidence and the application for dispute resolution and notice of hearing by registered mail on May 20, 2015, the tenants did not participate in the conference call hearing. The landlord gave affirmed evidence.

### Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

### Background, Evidence

The landlord's undisputed testimony is as follows. The tenancy began on February 1, 2015 and ended on May 1, 2015. The tenants were obligated to pay \$1200.00 per month in rent in advance and at the outset of the tenancy the tenants paid a \$600.00 security deposit. The landlord stated that he is seeking to retain \$475.00 of the security deposit. The landlord stated that due to the tenants disregard to the Strata rules for no smoking, no noise or parties, he was fined \$200.00. The landlord stated that the tenant refused to return the garage opener and was forced to replace it at a cost of \$60.00. The landlord stated that the tenant damaged the bathroom faucet which was virtually new when he moved in, which cost the landlord \$65.00 to replace it. The tenant also left the unit dirty which cost the landlord \$100.00 to clean it.

The landlord is applying for the following:

1.	Strata fines	\$200.00
2.	Garage door opener	\$60.00
3.	Faucet	\$65.00

4.	Cleaning	\$100.00
5.	Filing fee	\$50.00
	Total	<b>\$475.00</b>

### Analysis

The landlord has submitted receipts, photos, e-mails, reports, and oral testimony to support his claim. In the absence of any disputing testimony or documentation, I find that the landlord has provided sufficient evidence to support his claim as required under Section 67 of the Act.

### Conclusion

The landlord has established a claim for \$475.00. I order that the landlord retain \$475.00 from the deposit in full satisfaction of the claim. The landlord is to return the remaining \$125.00 of the deposit to the tenant. I grant the tenant an order under section 67 for the balance due of \$125.00. 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: September 29, 2015

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Residential Tenancy Branch

