



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord and the tenant participated in the teleconference hearing.

At the outset of the hearing, the tenant confirmed that she had received the landlord's application. Neither party raised any issues regarding service of the application or evidence. Both parties were given full opportunity to give affirmed testimony and present their evidence. I have reviewed all testimony and other evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on May 23, 2015. Rent in the amount of \$1,650.00 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$825.00.

The landlord stated that the tenant withheld half of the rent for July 2015, stating that the house had not been properly cleaned when she moved in. The landlord stated that the tenant paid no rent for October 2015. The landlord has claimed compensation of \$2,475.00.

The tenant acknowledged that she withheld half of the rent in July 2015. The tenant stated that she had been asking since May 2015 for the house to be cleaned. The tenant also acknowledged that she withheld all of October 2015 rent, because the landlord never got the fireplace cleaned and she could not use it for heat, so her heating bill was \$1,200.00. The tenant stated that she moved out of the rental unit on October 21, 2015.

Analysis

I find that the landlord has established their claim for \$2,475.00. The tenant confirmed that she withheld that amount in rent. The tenant did not have the landlord's authorization to withhold the rent; nor did she have an order allowing her to withhold that rent.

As the landlord's application was successful, they are also entitled to recovery of the \$50.00 filing fee for the cost of this application.

Conclusion

The landlord is entitled to \$2,525.00. I order that the landlord retain the security deposit of \$825.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,700.00. 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: June 22, 2016

Residential Tenancy Branch