



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNDC, MNR, MNSD

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An order for Possession
- b. A monetary order in the sum of \$2200 for unpaid rent and damages
- c. An order to keep the security deposit.
- d. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was personally served on the Tenant on May 3, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenant on May 8, 2016. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to a monetary order and if so how much?
- b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on March 1, 2016. The tenancy agreement provided that the tenant(s) would pay rent of \$1350 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$600 at the start of the tenancy.

The tenant failed to pay the rent for the month of May 2016 and the sum of \$1350 is owed.

The tenant vacated the rental unit on June 1, 2016.

Landlord's Application for an Order for Possession:

It is no longer necessary to consider the landlord's application for an Order for Possession as the tenant has vacated and the landlord has regained possession of the rental unit.

Landlord's Application - Analysis

The Residential Tenancy Act provides the tenant must maintain reasonable health, cleanliness and sanitary standards throughout the rental unit and the other residential property to which the tenant has access. The tenant must repair damage to the rental unit or common areas that is caused by the actions or neglect of the tenant or a person permitted on the residential property by the tenant and is liable to compensate the landlord for failure to do so. In some instances the landlord's standards may be higher than what is required by the Act. The tenant is required to maintain the standards set out in the Act. The tenant is not required to make repairs for reasonable wear and tear. The applicant has the burden of proof to establish the claim on the evidence presented at the hearing.

Monetary Order and Cost of Filing fee

With respect to each of the landlord's claims I find as follows:

- a. I determined the landlord is entitled to the sum of \$1350 for non-payment of the rent for May 2016.
- b. I determined the landlord is entitled to \$648 for the cost of cleaning.

In summary I determined the landlord has established a monetary claim against the tenant(s) in the sum of \$1998 plus the \$100 filing fee for a total of \$2098.

Security Deposit

I determined the security deposit plus interest totals the sum of \$600. I determined the landlord is entitled to retain this sum. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1498.

Conclusion

In summary I ordered the landlord may retain the security deposit/pet deposit in the sum of \$600. In addition I ordered that the Tenant pay to the Landlord the sum of \$1498..

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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 10, 2016

Residential Tenancy Branch