



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Homelife Peninsula Property Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, MNSD, 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 damages to the unit - Section 67;
2. An Order to retain the security deposit - Section 38; and
3. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each 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 October 15, 2014 and ended on October 30, 2015. At the outset of the tenancy the Landlord collected \$1,425.00 as a security deposit. Both a move-in and move-out condition inspection report was completed. The Landlord claims a total of \$894.13 for costs in relation to landscaping, cleaning and floor damage. The Tenant does not dispute any of the costs claimed.

Analysis

Section 37 of the Act provides that when a tenant vacates a rental unit, the tenant must leave the rental unit reasonably clean, and undamaged except for reasonable

wear and tear. 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 of damage and costs I find that the Landlord is entitled to the claimed amount of **\$894.13**. The Landlord is also entitled to recovery of the **\$50.00** filing fee for a total amount of **\$944.13**. Deducting this amount from the security deposit plus zero interest of **\$1,425.00** leaves **\$408.87**. I order the Landlord to return this amount to the Tenant forthwith.

Conclusion

I grant the Tenant an order under Section 67 of the Act for **\$480.87**. 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, 2016

Residential Tenancy Branch