Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   FF, MNDC, MNR, MNSD

Introduction

This is an application brought by the landlord requesting a Monetary Order in the amount of $4465.00 and recovery of the $100.00 filing fee. The applicant is also requesting an Order to retain the remaining security deposit of $400.00 towards the claim.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

Issue(s) to be Decided

The issue is whether or not the applicant has established a monetary claim against the respondent, and if so in what amount.

Background and Evidence

The applicant testified that the tenant vacated the rental unit at the end of April 2016 owing a large amount of back rent.

The applicant further testified that the present monthly rent for this unit is $950.00, due on the first of each month.

The applicant further testified that over the past five month period, from December 2015 through April 2016, during which the tenant should have paid a total of $4750.00, the tenant only made two payments, one payment of $285.00, and one payment of $1800.00.

The applicant is therefore requesting a Monetary Order for the remaining $2665.00 in outstanding rent.
The applicant is also requesting an Order for recovery of the $100.00 filing fee.

The tenant testified that he believed he had overpaid his rent by a substantial amount, claiming that the landlord had twice raised the rent improperly and therefore he does not believe he owes any rent.

In response to the tenant's claim of overpayment of rent the landlord stated that, that issue has already been dealt with in a previous arbitration and it was found that the tenant had not overpaid the rent.

Analysis

It is my finding that the landlord has shown that the tenant has failed to pay $2665.00 in outstanding rent and therefore I allow the full amount claimed by the landlord.

I have reviewed the previous file referred to by the landlord, and the landlord is correct that the Arbitrator in that previous hearing found that there had not been any overpayment of rent. Further in the decision the Arbitrator ordered that the landlord may retain $50.00 of the security deposit, and therefore the remaining security deposit is $400.00.

Having allowed the landlords full reduced claim, I also allow the request for recovery of the $100.00 filing fee.

Conclusion

I have allowed the landlords full reduced claim of $2765.00 and I therefore Order that the landlord may retain the full remaining security deposit of $400.00, and I have issued a Monetary Order in the amount of $2365.00.

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: July 13, 2016

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Residential Tenancy Branch