



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNDC, MDSD & FF

### Introduction

The Application for Dispute Resolution filed by the landlord seeks the following:

- a. A Monetary Order in the sum of \$1025 for non-payment of rent and damage to the rental unit.
- b. An Order to retain the security deposit.
- c. 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 Application for Dispute Resolution/Notice of Hearing was served on the Tenant by mailing, by registered mail to where the Tenant resides. 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 tenancy agreement that provided that the tenancy would start on October 1, 2014. The tenancy ended on February 29, 2016. The tenant initially gave notice to end the tenancy on January 31, 2016 but requested and was given permission to stay a month longer. The rent is \$1250 per month payable in advance payable on the first day of each month. The tenant(s) paid a security deposit of \$625 and a pet damage deposit of \$400 for a total of \$1025 at the start of the tenancy. The

tenant paid \$500 of the rent for February leaving a balance of \$750. The tenant vacated the rental unit on March 2, 2016.

#### 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.

#### Analysis - Monetary Order and Cost of Filing fee

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

- a. I determined the landlords are entitled to \$750 for the non payment of rent for February.
- b. I determined the landlords are entitled to \$200 for the cost to clean the porch and steam wash the carpet.
- c. I determined the landlords are entitled to \$180 for the cost to move the tenants belongings from the storage locker.

I granted the landlord a monetary order in the sum of \$1130 plus the sum of \$100 in respect of the filing fee for a total of \$1230.

#### Security Deposit

I determined the security deposit plus pet damage deposit totals the sum of \$1025. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$205.

#### Conclusion:

In summary I ordered that the landlord shall retain the security deposit and pet damage deposit which totals \$1025. In addition I ordered that the tenant pay to the landlords the sum of \$205.

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: July 28, 2016

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Residential Tenancy Branch

