



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HOLLYBURN ESTATES LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** *MNSD, MNDC, MNR, MND, FF*

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*, for a monetary order for the cost of repairs and cleaning. The landlord also applied for the recovery of the filing fee and to retain a portion of the security deposit in satisfaction of his claim.

This matter was originally heard on August 24, 2016. The tenant did not attend the hearing. The hearing proceeded with the landlord in attendance. In a decision dated September 27, 2016, the Arbitrator granted the landlord a monetary order. On October 06, 2016, the tenant applied for a review of the decision and was granted a review hearing. The decision and order dated September 27, 2016 were suspended until the review hearing was complete. The review hearing was scheduled for this date – December 20, 2016.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

### **Issues to be decided**

Is the landlord entitled to a monetary order? Is the landlord entitled to retain the security deposit?

### **Background and Evidence**

The parties agreed to the following sequence of events. The tenancy started on April 01, 2015 for a fixed term of one year and ended on March 31, 2016. The monthly rent was \$1,745.00 and prior to moving in the tenant paid a security deposit of \$872.50 and a card deposit of \$50.00, for a total of \$922.50 in deposits.

The landlord has made a claim for the following:

1.	Cleaning of drapes	\$134.40
2.	Cleaning of Range hood	\$12.00
3.	Partial replacement of carpet	\$281.33
4.	Filing fee	\$100.00
	Total	<b>\$527.73</b>

### **Analysis**

The tenant did not dispute any of the landlord's claims and agreed that he owed the landlord for the cost of cleaning the drapes and the range hood. The tenant also agreed to cover the cost of replacing the carpet. Since the landlord has proven his claim, he is entitled to the recovery of the filing fee of \$100.00.

Overall the landlord has established a claim of \$527.73. I order that the landlord retain this amount from the security and card deposits of \$922.50 in full satisfaction of the claim and return the balance of \$394.77 to the tenants within 15 days of receipt of this decision.

I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act*, for \$394.77. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the tenant a monetary order in the amount of **\$394.77**.

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: December 20, 2016

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Residential Tenancy Branch