



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim, as well as recovery of the filing fee.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord submitted evidence that they served the tenant with the application for dispute resolution and notice of hearing by registered mail sent on July 21, 2016. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on July 26, 2016, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Is the landlord entitled to recovery of the filing fee?

Background and Evidence

The tenant began occupying the rental unit on December 1, 2014. At the beginning of the tenancy, the tenant paid the landlord a security deposit of \$550.00.

In a decision from a previous hearing, the landlord was granted recovery of their filing fee. The arbitrator indicated that the landlord may retain \$100.00 from the security deposit to recover that fee. At the time of this hearing, the landlord held the remainder of the security deposit, in the amount of \$450.00.

The landlord stated that between February and April 2016, the tenant had damaged the toilet in the rental unit, and the landlord incurred three plumber's bills as a result. The total of those bills is \$461.78. In support of their claim, the landlord submitted copies of the three plumbing bills and the cheques they used to pay those bills.

Analysis

I accept the landlord's undisputed evidence that they incurred loss due to damage done by the tenant. I therefore grant the landlord their claim.

As the landlord's application was successful, they are also entitled to recovery of the \$100.00 filing fee for the cost of this application.

Conclusion

The landlord is entitled to \$561.78. I order that the landlord retain the balance of the security deposit, \$450.00, in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$111.78. 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: January 30, 2017

Residential Tenancy Branch