



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order. Despite having been served with the application for dispute resolution and notice of hearing sent via registered mail on August 9, the tenants did not participate in the conference call hearing.

### Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

### Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy ended on May 30, 2012 at which time the parties inspected the rental unit and the landlord returned the security deposit in full. The landlord testified that several days after new tenants moved in, they complained that the bathroom drain was slow and that the garbage disposal didn't work.

The landlord arranged for a plumber to attend to the complaints. The plumber unplugged the bathroom drain and replaced the garbage disposal and invoiced the landlord \$616.00.

The landlord testified that the plumber told him that the drain was plugged by hair and that the garbage disposal had been plugged and neglected for a long time and had to be replaced due to rust.

### Analysis

The landlord returned the entire security deposit to the tenants after having inspected the rental unit. The purpose of the condition inspection is to determine whether any damage exists and the Act specifically provides that landlords do not have to return the deposit for 15 days in order to give landlords adequate time to determine if there are other outstanding issues which were not readily apparent at the final inspection.

I find that because he immediately returned the security deposit to the tenants thereby indicating that there was no damage in the rental unit, the landlord is estopped from making a claim which could have been made against the deposit.

I note that the landlord's evidence was insufficient to establish this claim in any event as the invoice generated by the plumber does not indicate the cause for the problems with the garbage disposal or the reason why the sink was plugged and I am not satisfied that the issues were caused by the tenants.

### Conclusion

The claim is dismissed.

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: October 22, 2012-10-22

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Residential Tenancy Branch