



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MND, MNDC, MNSD, 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 a commercial fan and for the recovery of the filing fee. The landlord also applied to retain the security deposit. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to a monetary order of \$575.00 for the cost of the fan and for the filing fee?

Background and Evidence

The tenancy started on May 01, 2012 and ended on July 18, 2012. Prior to moving in the tenant paid a security deposit of \$750.00.

At the time the tenant moved in, a commercial fan was operating inside the rental unit for the purpose of drying the freshly shampooed carpets. The tenant agreed that the commercial fan was present at the start of tenancy. He states that he informed the landlord's agent by text message on June 11, to pick up the fan accompanied by a sheriff. On July 12, the agent arrived to get the fan but the tenant informed her that he had "*put it downstairs along with paint pots and a stick vacuum on or around the first week of July.*"

The landlord stated that the fan was never found and he filed information regarding a similar replacement in the amount of \$1,380.00. The landlord is claiming \$575.00 because that is the amount that the agent is requesting.

Analysis

Based on the testimony of both parties, I find that tenant had possession of the commercial fan and placed it in an insecure area without informing the landlord or his agent. Therefore I find that the tenant is responsible for the replacement of the fan.

I find that the landlord has established a claim for \$575.00 which is a portion of the total replacement cost.

Since the landlord has proven his claim, he is entitled to the recovery of the filing fee in the amount of \$50.00.

Overall the landlord has established a claim of \$625.00 which consists of \$575.00 for the fan plus \$50.00 for the filing fee. I order the landlord to retain this amount from the security deposit and return the balance of the security deposit to the tenant within 15 days of receipt of this decision.

Conclusion

The landlord may retain \$675.00 from the security deposit.

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: November 30, 2012.

Residential Tenancy Branch

