



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MND, MNSD & MNDC

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the tenant by mailing, by registered mail to where the tenant resides on February 19, 2015. 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 one year fixed term written tenancy agreement that provided that the tenancy would start on December 1, 2013, end on November 30, 2014 and become month to month after that. The tenancy agreement provided that the tenant(s) would pay rent of \$1050 per month in advance on the first day of each month. The tenant paid a security deposit of \$525 plus a \$50 deposit for a FOB for a total of \$575.

The tenant failed to pay the rent for January 2015 and the sum of \$1075 remains outstanding including a \$25 late charge. The tenancy ended on January 22, 2015. The landlord testified the amount owing should be reduced to reflect a \$19.15 laundry credit. Thus the amount outstanding is the sum of \$1055.85.

Monetary Order and Cost of Filing fee

I determined the tenant failed to pay the rent for January and the sum of \$1055.85 remains outstanding including a late charge of \$25 and a laundry credit of \$19.15.

I ordered that the tenant pay to the landlord the sum of \$1055.85 plus the \$50 filing fee for a total of \$.1105.85

Security Deposit

I determined the security deposit plus FOB deposit totals the sum of \$575. I determined the landlord is entitled to retain this sum. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$530.85.

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: April 16, 2015

Residential Tenancy Branch

