



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Prompton Real Estate Services Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNRL-S, MNDCL-S, FFL

Introduction

The landlord seeks compensation from their former tenants for unpaid rent, NSF fees, and late rent payment fees, for a lost garage remote, and for a lost visitor's parking pass, in the total amount of \$5,470.00. In addition, the landlord seeks to recover the cost of the application filing fee of \$100.00.

Preliminary Issue: No Dispute of Landlord's Claim by Tenants

Attending the hearing was the landlord's agent and one of the tenants. A few minutes into the hearing the tenant advised me that he was calling from overseas and that the line might drop at any time. He also explained that they were not disputing the claim.

I confirmed the dollar amount with the landlord, the tenant asked about whether the security deposit was being calculated in that amount, and the landlord correctly explained that the security deposit is usually ordered to be retained (and deducted from the total amount being claimed). The tenant confirmed his understanding of this. The hearing then concluded after seven minutes.

Calculation of Award, Retention of Security Deposit, and Monetary Order

The standard of proof in a dispute resolution hearing is on a balance of probabilities, which means that it is more likely than not that the facts occurred as claimed. The onus to prove their case is on the person making the claim. As the respondent tenants did not dispute the landlord's application it follows that the landlord is entitled to the amount claimed, which is \$5,570.00.

Under section 38(6) of the *Residential Tenancy Act* (the Act") the landlord is ordered, and authorized, to retain the tenants' security deposit of \$1,275.00 in partial satisfaction of the amount awarded.

The tenants are thus ordered under section 67 of the Act to pay to the landlord the remaining balance of \$4,295.00. A monetary order for this amount is granted and issued in conjunction with this decision to the landlord. The landlord must serve a copy of the monetary order on the tenants, should enforcement of the order be necessary.

Conclusion

For the reasons given above, the landlord's application is hereby granted.

A monetary order for \$4,295.00 is issued to the landlord, and the landlord is ordered to retain the tenants' security deposit.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: April 25, 2022

Residential Tenancy Branch