



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: MNSD & FF

Introduction:

This hearing dealt with an application by the tenants for the return of double their security deposit plus interest and a monetary claim for repairs completed to the rental unit during the tenancy. Both parties appeared and had the opportunity to be heard and to respond to the evidence presented by the other party.

Issues to be Determined:

Are the tenants entitled to the return of double their security deposit plus interest and a monetary claim for repairs completed to the rental unit?

Background and Evidence:

This tenancy began on June 13, 2006 for the monthly rent of \$2,100.00. The tenants paid a security deposit of \$1,050.00 on May 3, 2006. The tenancy ended effective August 7, 2008. Both a move in and move out condition inspection reports were completed and the landlords received the tenants' forwarding address effective August 7, 2008.

The move out condition inspection report was completed with the landlords' agent and allegedly indicated that there were no damages to the rental unit and that it was left in good condition. However, the tenants did not receive their security deposit plus interest within 15 days as required by section 38(1) of the *Act*. The tenants' received a sum of \$194.26 in September 2008 which was the remaining balance of their security deposit after the landlord deducted amounts related to cleaning and repairing the rental unit. The landlords did not have written consent of the tenants to retain a portion of their security deposit.

Opportunity to Settle

The parties entered into discussions to settle this dispute pursuant to section 63 of the *Act*. The parties reach the following settlement agreement resolving this matter and all future claims between the parties:

1. The tenants will return the cheque of \$194.26 to the landlords;
2. The landlords will pay the tenants the sum of \$1,478.94 comprised of the security deposit of \$1,050.00, accumulated interest of \$28.94, \$100.00 for the sale of a

microwave oven and \$300.00 for repairs completed by the tenants to the rental unit; and

3. In completion of this matter the landlords' agree to not file an application for dispute resolution against the tenants for costs related to cleaning and repairing the rental unit.

Conclusion:

The parties have reached a mutual agreement settling all matters between them arising out of this tenancy. In enforcement of this agreement, I am providing the tenants a monetary Order for the sum of **\$1,478.94**.

Dated December 15, 2008.

Dispute Resolution Officer