



# **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 from the tenants for the full return of the security deposit, in addition to recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

## **Issues to be decided**

- Whether the tenants are entitled to either or both of the above

## **Background and Evidence**

Pursuant to a written residential tenancy agreement, the term of the tenancy was from February 2008 to February 28, 2009. Rent in the amount of \$1,950.00 was payable on the first day of the month. A security deposit and pet damage deposit in the combined total amount of \$1,950.00 was collected at the start of tenancy.

After the end of tenancy the landlords withheld \$475.00 from the security deposit / pet damage deposit and returned the balance of \$1,475.00 to the tenants. The landlords withheld the subject amount in consideration of their concerns about the condition of the lawn and carpets. The tenants provided no written authorization for such withholding and neither had the landlords applied for dispute resolution in order to seek authorization to retain any portion of the security deposit / pet damage deposit.

During the hearing the parties exchanged views on the circumstances surrounding the dispute and undertook to find a resolution.

## **Analysis**

Pursuant to section 63 of the Act, discussion between the parties during the hearing led to a resolution of the dispute. Specifically, it was agreed as follows:

- that the landlords will mail a cheque payable to tenant "DLF" in the full amount of \$350.00;
- that the landlords will deposit the cheque into the mail by no later than midnight, Friday, July 31, 2009;
- that the above particulars comprise full and final settlement of all aspects of the dispute surrounding this tenancy for both parties.

For reference, the attention of the parties is drawn to the following sections of the Act:

Section 23: Condition inspection: start of tenancy or new pet

Section 24: Consequences for tenant and landlord if report requirements not met

Section 35: Condition inspection: end of tenancy

Section 36: Consequences for tenant and landlord if report requirements not met

Section 38: Return of security deposit and pet damage deposit

The full text of the legislation, fact sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca/](http://www.rto.gov.bc.ca/)

## **Conclusion**

Pursuant to the agreement, as above, I hereby issue a monetary order in favour of the tenants in the amount of **\$350.00**. Should it be necessary, this order may be served on the landlords, filed in the Small Claims Court and enforced as an order of that Court.

DATE: July 20, 2009

\_\_\_\_\_  
Dispute Resolution Officer