

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an application from the tenant for a monetary order for return of the security deposit and recovery of the filing fee. Both parties participated in the conference call hearing.

Issues to be Decided

Is the tenant entitled to any of the above under the Act.

Summary of Background and Evidence

The tenant testified that on August 18, 2010 she made application to rent the unit and a \$100.00 fee was required by the landlord. The landlord advised the tenant that if she took the rental unit the \$100.00 fee would be applied to a deposit.

The tenant filed for dispute resolution on October 14, 2010 and after the landlord was served with documents for this hearing, the landlord contacted a rental manager's group and determined that requesting the fee was in contravention of the Act. The landlord then returned the application fee to the tenant.

The tenant testified that she understood she should be awarded double the fee back however this is not a security deposit but an application fee. The tenant stated that the \$100.00 fee was returned only after she filed for dispute resolution and the tenant is requesting return of the \$50.00 fee.

The landlord testified in this hearing that he would send the tenant a cheque for \$50.00 to cover the cost of bringing this application forward.

Analysis

Residential Tenancy Act **Section 72 Director's orders: fees and monetary orders**

(1) The director may order payment or repayment of a fee under section 59 (2) (c) *[starting proceedings]* or 79 (3) (b) *[application for review of director's decision]* by one party to a dispute resolution proceeding to another party or to the director.

A settlement has been reached for return of the tenant's \$50.00 application fee and all matters related to this application have hereby been resolved.

Conclusion

As stated in this hearing, the landlord will send the tenant a cheque for \$50.00 which is the cost of bringing this application forward.

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: January 18, 2011

Residential Tenancy Branch