



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNSD, FF

Introduction

This conference call hearing was convened in response to the landlord's application for a Monetary Order to keep all or part of the security deposit and to recover the filing fees associated with this application.

Both parties attended the hearing, provided affirmed testimony, and agreed that in the circumstances it would be in the best interest to resolve this matter informally.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order, and for what amount?

Background and Evidence

The rental unit consists of a one bedroom condominium in a multi unit complex located in Surrey. Pursuant to a written agreement, the tenancy started on June 1st 2009 and ended on September 1st, 2010 at a rate of \$900.00 payable on the first of each month. The tenant paid a security and pet damage deposit in the amount of \$450.00 and \$225.00 respectively.

In her application, the landlord submitted that the unit required cleaning and minor repairs that added to \$190.00.

Analysis

Section 63 of the *Residential Tenancy Act* provides for the parties to resolve their dispute during the dispute resolution proceedings. Accordingly, the parties have agreed to the following:

- The tenant will pay the landlord \$100.00 towards the landlord's monetary claim.
- The landlord kept the tenant's deposits in the combined amount of \$675.00.
- The landlord will deduct \$100.00 from that amount and will return the tenant's deposit for the balance of \$575.00.

Conclusion

Section 17 of the *Residential Tenancy Policy Guideline* states in part:

"The arbitrator will order the return of the deposit or balance of the deposit, as applicable, whether or not the tenant has applied for arbitration for its return. "

Accordingly, I order the return of the balance of the tenant's security deposit and I grant the tenant a Monetary Order in the amount of **\$575.00**.

This order may be registered in the Small Claims Court and enforced as an order of that court. Since this matter was resolved informally, I decline to make an order regarding the filing fee.

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 20, 2011.

Residential Tenancy Branch