

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing dealt with an application by the tenants for a monetary order for compensation for damage or loss and recovery of the filing fee. Both parties participated in the conference call hearing.

Issue(s) to be Decided

Are the tenants entitled to any of the above under the Act.

Background and Evidence

Matters concerning the security deposit and unpaid utility bills were address in hearing 755275 and the landlord awarded a monetary order for \$469.51 comprised of \$300.00 for repair of a door and \$119.51 for unpaid utilities.

The tenant testified that upon moving into the rental unit that a \$390.00 security deposit was required for the Terasen gas bill. The amount of the deposit was split between the 2 rental units and the tenant's portion was \$234.00. Upon vacating the rental unit the landlord did not return the tenants portion of the Terasen security deposit.

The tenants testified that they had paid the landlord a \$50.00 security deposit for a garage door opener. The tenants stated that the garage door opener was returned to the landlord in good working condition at the end of the tenancy however the landlord did not return the \$50.00 security deposit to the tenants.

The landlord testified that he was in agreement with the amounts owed the tenants and that he would provide payment to the tenants after this hearing. While not related to this application the landlord also stated that he would send the tenants the \$125.86 owed from hearing 755275.

Analysis

Based on the documentary evidence and testimony I find that the tenants are entitled to a monetary order for return of the \$234.00 Terasen gas security deposit and the \$50.00 garage door opener security deposit.

I find that the tenants have established a monetary claim for \$284.00 in return of the security deposits.

The tenants are also entitled to recovery of the \$50.00 filing fee.

Conclusion

I find that the tenants have established a monetary claim for **\$284.00**. The tenants are also entitled to recovery of the \$50.00 filing fee.

A monetary order in the amount of **\$334.00** has been issued to the tenants and a copy of it must be served on the landlord. If the amount is not paid by the landlord, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

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: February 24, 2011

Residential Tenancy Branch