

DECISION

Dispute Codes: MNDC, MNSD and FF

Introduction

This application was brought by the landlord on March 15, 2011 seeking authorization to retain \$65 of the tenants' security deposit as the tenants had not had the drapes in the rental unit drycleaned at the end of the tenancy. The landlord also sought to recover the filing fee for this proceeding.

Despite having made the application, the landlord did not call in to the number provided to enable his participation in the telephone conference call hearing. As the tenants did appear, and as the landlord had returned none of the tenants' security deposit, the hearing proceeded in the absence of the landlord.

Issues to be Decided

This application requires a decision on whether the landlord is entitled to monetary compensation arising from the fact that the drapes were not drycleaned.

Background and Evidence

This tenancy ran from July 23, 2010 to February 28, 2011. Rent was \$850 per month and the landlord holds a security deposit of \$425 paid on July 23, 2011.

During the hearing and supported by written submissions from three separate parties, the tenants gave evidence that they had washed the drapes under the gentle cycle and re-hung them. She stated the washing had done no harm to them and they were perfectly clean.

There is no provision in the rental agreement submitted by the landlord to stipulate that the drapes needed to be drycleaned rather than washed nor is there any evidence that

the tenants did not meet their obligation under section 37(2) of the *Act* to leave the rental unit cleaned and undamaged.

Analysis

I find that the landlord has failed to prove that the tenants were required to dryclean the drapes and that he has proven no loss as a result of them having been washed.

Therefore, the landlord's claim to retain \$65 from the tenants' security deposit is dismissed without leave to reapply and the landlord retains no further right to make claim on the deposit.

Therefore, in the interest of administrative efficiency, the tenants' copy of this decision is accompanied by a Monetary Order for return of the \$425 security deposit.

Conclusion

The application is dismissed without leave to reapply and the tenants are issued with a Monetary Order for \$425, enforceable through the Provincial Court of British Columbia, for service on the landlord.

June 28, 2011