



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order in the amount of \$3200.00 and a request for recovery of the \$50.00 filing fee

Background and Evidence

The applicants testified that:

Security deposit

- They thought the landlord was not going to return their security deposit within the time limit required under the Residential Tenancy Act and therefore they applied for dispute resolution requesting an order for return of double the security deposit.
- After they filed their application the landlord did return their full security deposit within the 15 day time limit required.

One month compensation for move

- The landlord did not give them a Notice to End Tenancy, however the landlord told them that they did not want to renew the lease and wanted them to move out, and therefore they believe they should receive compensation of one month free rent as required when the landlord does give a Notice to End Tenancy for landlord use.

Analysis

The landlords have 15 days from the end of the tenancy in which to return the deposit, and in this case the full deposit was returned within that time limit and therefore the tenant has no further claim for the return of the security deposit, let alone double security deposit.

The tenants have testified that they were never given a Notice to End Tenancy for landlord use and therefore they do not qualify for any compensation. Compensation is only required when the tenants are given a two month Notice to End Tenancy for landlord use, and if a tenant chooses to vacate without receiving that notice, no compensation is required.

Conclusion

This application is dismissed in full without leave to reapply.

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: August 09, 2011.

Residential Tenancy Branch