Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   MNSD, FF

Introduction

This hearing dealt with an application by the tenant for a monetary order. Both parties participated in the conference call hearing.

Issue to be Decided

Is the tenant entitled to a monetary order as claimed?

Background and Evidence

The facts are not in dispute. The tenancy ended on November 7 pursuant to a 2 month notice to end tenancy. The landlord withheld $128.46 from the $700.00 security deposit for cleaning. The landlord did not have authorization from the tenant to withhold this sum. The tenant seeks to recover the withheld amount in addition to the $50.00 filing fee paid to bring this application.

Analysis

The Act prohibits landlords from retaining amounts from a security deposit unless they have authorization from the tenant or an order from the Residential Tenancy Branch authorizing that retention. I find that the landlord was not legally entitled to withhold any amount from the security deposit and I order the landlord to return the withheld amount together with $50.00 which represents the filing fee to the tenant forthwith.

Conclusion

I grant the tenant a monetary order under section 67 for $178.46. This order may be filed in the Small Claims Division of the Provincial Court 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: March 1, 2012

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Residential Tenancy Branch