



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD, MNDC, FF

### Introduction

This application was filed by the landlord who is seeking a monetary Order for compensation for loss or damage. The landlord is also seeking to retain the security deposit and recover the filing fees paid for this application.

### Issue(s) to be Decided

Is the landlord entitled to the Orders sought?

### Background and Evidence

In a previous application with respect to this tenancy the tenant made application seeking to cancel a Notice to End Tenancy, the tenant also sought \$25,000.00 in compensation and she hired a lawyer to pursue her claim. The landlord submits that they were forced to hire a lawyer to defend themselves. The landlords prevailed in the application and incurred legal fees in the sum of \$1,893.20. The landlord now claims this sum and he is seeking to retain the \$287.50 security deposit in partial satisfaction of his claim.

The tenant asked for the return of her security deposit.

### Analysis

My authority to award costs is limited by the Act, it states:

- 72** (1) The director may order payment or repayment of a fee under section 59 (2) (c) *[starting proceedings]* or 79 (3) (b) *[application for review of director's decision]* by one party to a dispute resolution proceeding to another party or to the director.

Further, even if I were able to award cost recovery of sum other than the filing fee as set out in Section 72(1), I would be unable to award costs incurred with respect to a prior proceeding.

The landlord's application is therefore dismissed. The landlord is ordered to return the tenant's security deposit of \$287.50 paid May 2011 (no interest accrued). I will issue an Order in the tenant's favour in this regard.

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 14, 2012.

---

Residential Tenancy Branch