



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order to retain all or part of the security deposit - Section 38; and
2. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to retain the security deposit?

Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

The tenancy started in September 2011 and ended on August 31, 2012. At the outset of the tenancy the Landlord collected \$550.00 as a security deposit. The Tenant left the unit unclean and after the end of the tenancy the Tenant agreed that the Landlord keep the security and confirmed this agreement in a letter dated November 11, 2012. The Landlord withdraws its claim for recovery of the filing fee.

Analysis

Section 38 of the Act provides that a landlord may retain an amount from a security deposit if at the end of a tenancy the tenant agrees in writing that the landlord may retain the amount to pay a liability or obligation of the tenant. Given the letter from the Tenant, I find that the Landlord has established an entitlement to retention of the Tenant's security deposit of **\$550.00** plus zero interest.

Conclusion

I order the Landlord to retain the security deposit of \$550.00 in full satisfaction of the claim.

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: November 27, 2012.

Residential Tenancy Branch