



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlords by mailing, by registered mail to where the landlords reside on May 26, 2014. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenants are entitled to a monetary order and if so how much?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a tenancy agreement that provided that the tenancy would start on August 31, 2013. The rent was \$990 per month payable on first day of each month. The tenant(s) paid a security deposit of \$495 on August 23, 2013.

The tenancy ended on May 1, 2014.

The tenant(s) provided the landlord with his/her their forwarding address in writing on May 1, 2014.

The tenants also seek compensation for the reduced value of the tenancy caused by renovation work of the landlord. The tenants testified that they left the rental unit in late March for a trip to Los Angeles. They further testified the landlord agreed to compensate them for their inconvenience. The tenants claim the cost of their tickets to Los Angeles in the sum of \$700. The landlord disputes these claims. The landlord testified they did the work because the tenants were away and would not have inconvenienced the tenants had they known the tenants would be claiming compensation.

Law

The Residential Tenancy Act provides that a landlord must return the security deposit plus interest to the tenants within 15 days of the later of the date the tenancy ends or the date the landlord receives the tenants forwarding address in writing unless the parties have agreed in writing that the landlord can retain the security deposit, the landlord already has a monetary order against the tenants or the landlord files an Application for Dispute Resolution within that 15 day period. It further provides that if the landlord fails to do this the tenant is entitled to an order for double the security deposit.

Analysis

The tenants paid a security deposit of \$495 on August 23, 2013. I determined the tenancy ended on May 1, 2014. I further determined the tenants provided the landlord with their forwarding address in writing on May 1, 2014. The parties have not agreed in writing that the landlord can retain the security deposit. The landlord does not have a monetary order against the tenants and the landlord failed to file an Application for Dispute Resolution within the 15 days from the later of the end of tenancy or the date the landlord receives the tenants' forwarding address in writing. As a result I determined the tenants have established a claim against the landlord for double the security deposit or the sum of \$990 ($\$495 \times 2 = \990).

I dismissed the tenants claim in the sum of \$700 for reimbursement of the cost of the airline tickets. I determined the tenants failed to prove the landlords agreed to compensate them. The landlords testified there was no agreement. The tenants acknowledged there was no agreement as to amount. The tenants failed to present sufficient proof to establish their

enjoyment of the premises was reduced. They testified that when they returned there was some dust but their use of the rental unit was not significantly reduced.

Monetary Order and Cost of Filing fee

I ordered the landlord(s) to pay to the tenants the sum of \$990 plus the sum of \$50 in respect of the filing fee for a total of \$1040.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the 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: September 30, 2014

Residential Tenancy Branch

