



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Shoreline Resort
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD

Introduction

This was an application by the tenant for an order for the return of his security deposit. The hearing was conducted by conference call. The tenant and the landlord's representative called in and participated in the hearing. In his application, filed on March 19th, the tenant named the landlord's agent as the landlord. The landlord's agent is no longer employed by the landlord and with the consent of the landlord's representative I have amended the style of cause to name the landlord as a party to this proceeding.

Issue(s) to be Decided

Is the tenant entitled to a monetary award for the return of his security deposit?

Background and Evidence

The rental property is a resort hotel in the Okanagan. The tenant rented the unit in October 2014 and stayed in the unit, using it as his principal residence until February 28, 2015. The tenant paid a security deposit of \$325.00 at the commencement of his tenancy. After he moved out he received a payment of \$235.00. The landlord retained the sum of \$90.00 for cleaning charges. The tenant did not consent to the deduction from his deposit. On March 19, 2015 he applied for a monetary award in the amount of \$90.00. He did not seek payment of an award in the amount of double the deposit.

Analysis

The tenant did not name the landlord in his application, but instead made his claim against the landlord's former employee. At the hearing the landlord's representative said she would ask the landlord to issue a cheque to the tenant in the amount of \$90.00

retained from his deposit. The tenant agreed that he would accept the payment of \$90.00 in full and final satisfaction of his claim.

Conclusion

Allow the tenant's application, but I make no award with respect to the filing fee because the tenant did not name the proper parties in his application. I grant the tenant an order under section 67 in the amount of \$90.00. This order may be registered in the Small Claims 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 25, 2015

Residential Tenancy Branch

