



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

The tenant applies to recover a \$625.00 security deposit.

Issue(s) to be Decided

None

Background and Evidence

The rental unit is a three bedroom duplex. The tenancy started in July 2014 with a prior owner. The landlords acquired the property in June 2015 and the tenancy continued with them.

The tenant vacated the premises November 28, 2016. She had given the landlords her forwarding address in writing earlier, on November 1.

Within fifteen days after the tenant left, the landlords returned the tenant's \$625.00 pet damage deposit. However, they felt that some damage had occurred during the tenancy, or perhaps the tenant had not maintained the yard. Without reaching any agreement with the tenant on the matter, the landlords kept \$75.00 of the \$625.00 security deposit and returned the remainder to the tenant by e-transfer on December 17, a few days after the tenant had brought this application.

Analysis

At the start of the hearing the parties were made aware of s. 38 of the *Residential Tenancy Act*. Upon realizing that a landlord in British Columbia is not permitted to unilaterally withhold deposit money, the landlords agreed they owed the tenant the \$75.00. They were made aware that they could bring their own application for damages.

The parties were also made aware of Residential Tenancy Policy Guideline 17, "Security Deposit and Set off [sic]," entitling a tenant to a doubling of deposit money under s. 38, even when the doubling had not been requested in the tenant's application.

The tenant specifically declined the doubling penalty at this hearing.

Conclusion

As a result, the tenant is entitled to recover the \$75.00 remainder of her deposit, plus the \$100.00 filing fee for this application.

There will be a monetary order against the landlords in the amount of \$175.00.

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: February 07, 2017

Residential Tenancy Branch