



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNSD, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlords for a monetary order for damages to the rental unit, for an order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee.

Both parties appeared.

### Preliminary and Procedural matters

In this case the landlords' application for monetary compensation does not equal the amount claimed through their evidence. The landlords did not amend their application to increase the amount.

Further, the landlords did not complete a monetary worksheet that is required to be filed with their application. I find the landlords did not comply with section 59 of the Act, as their application must contain the full particulars. This is to give the other party a fair opportunity to respond.

The landlords had the option of proceeding with their claim as it was filed or withdrawing their application. The landlords chose to withdraw their claim. Therefore, I grant the landlords leave to reapply.

At the hearing the landlords were informed that they have no legal authority to retain the security deposit or pet damage deposit. The landlords agreed that it would be returned to the tenants.

As the landlords have no legal authority to retain the security deposit. I grant the tenants a monetary order for the return of their security deposit of \$850.00 and the pet damage deposit of \$850.00. The tenants are given a formal order pursuant to section 67 of the Act.

As the landlords withdrew their application, I decline to grant the landlords the cost of their filing fee.

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: August 22, 2019

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Residential Tenancy Branch