



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing

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DECISION

Introduction

The Landlord sought compensation under the *Residential Tenancy Act* ("Act"). By way of cross-application the Tenants sought the return of their security deposit.

The Tenants attended the hearing, which began at 9:30 AM on August 2, 2024, and ended at 9:40 AM. No one from the Landlord attended. Accordingly, the Landlord's application is dismissed in its entirety without leave to reapply.

Issues

1. Are the Tenants entitled to the return of their security deposit?
2. Are the Tenants entitled to recover the cost of their application fee?

Evidence and Analysis

The Tenants gave evidence, both orally and in their application, that the tenancy began February 1, 2023, and ended on April 30, 2024. They paid both a security deposit and pet damage deposit; the pet damage deposit was returned. The Tenants seek the return of their \$1,050.00 security deposit.

The Landlord made its application for dispute resolution on May 11, 2024. This is within the 15-day deadline as set out in subsection 38(1) of the Act. Failure to apply within this deadline or to return a deposit may result in a tenant being entitled to double the amount of that deposit. In this case, this doubling will not apply.

Given that the Landlord did not attend the hearing to prove any claims made against the security deposit, the Landlord is not entitled to retain the Tenants' security deposit.

Therefore, pursuant to sections 38 and 38.1 of the Act the Landlord is hereby ordered to return the security deposit along with interest. The security deposit is \$1,050.00, and interest, calculated in accordance with the *Residential Tenancy Regulation* is \$35.68 (taking February 1, 2023, as the start of the calculation period and August 2, 2024, as the end of the period).

The Tenants are awarded \$100.00 for the cost of their application fee, pursuant to section 72(1) of the Act.

Conclusion

The Landlord's application is dismissed, without leave to reapply.

The Tenants' application is granted.

The Landlord is hereby ordered, pursuant to sections 38 and 72 of the Act, to forthwith pay \$1,185.68 to the Tenants.

The Tenants are granted a monetary order issued with this decision. Should the Landlord not pay the above-ordered amount within 15 days from the date of this decision then Tenants may serve the Landlord with a copy of the monetary order.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: August 2, 2024

Residential Tenancy Branch