



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: MNSD, FF

Introduction

This hearing dealt with an application from the tenants for double the return of the security deposit and recovery of the filing fee for this application. The landlord and the agent for the tenants participated in the hearing and each gave affirmed testimony.

Issue to be Decided

- Whether the tenants are entitled to a monetary order under the *Act*

Background and Evidence

Pursuant to a written residential tenancy agreement the tenancy began on March 1, 2008. Rent in the amount of \$725.00 was payable in advance on the first day of each month, and a security deposit of \$363.00 was paid at the start of tenancy. Following written notice by the tenants, the tenancy ended on October 31, 2008.

A dispute arose around matters including but not limited to the following: the landlord's withholding of \$201.75 from the security deposit prior to reimbursement to the tenants of the balance of \$161.25; the nature of conversations between the parties near the end of tenancy as to whether or not any monies would be withheld from the security deposit; the absence of a dated move-out inspection report bearing the signatures of the parties; the landlord's reimbursement of a portion of the security deposit outside of the 15 day period following the end of tenancy in the absence of an application for dispute resolution; the landlord's provision of a copy of the move-out inspection report to the tenants outside of the 15 day period following the end of tenancy.

During the hearing the parties respectfully afforded each other an opportunity to set out their positions and exchange differing views.

Analysis

Pursuant to section 63 of the *Act* the parties turned their minds to compromise and achieved a resolution of the dispute. Specifically, it was agreed as follows:

That the landlord will FORTHWITH mail cheque payment to the tenants in the full amount of \$250.00 as full and final resolution of all aspects of this dispute for both parties.

Arising from this agreement, the tenants are entitled to a monetary order under the *Act* for \$250.00, which includes reimbursement of the filing fee for this application.

Conclusion

I hereby grant the tenants a monetary order under section 67 of the *Act* for **\$250.00**. Should the landlord fail to comply with this order, it may be served on the landlord and filed in the Small Claims Court and enforced as an order of that Court.

DATE: January 12, 2009

Dispute Resolution Officer