



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an application by the tenants for return of the security deposit and recovery of the filing fee. Both parties participated in the conference call hearing.

Issue(s) to be Decided

Are the tenants entitled to any of the above under the Act.

Summary of Background and Evidence

This tenancy began March 1, 2010 with monthly rent of \$900.00, the tenants paid a security deposit of \$450.00. The tenants vacated the rental unit in late October 2010.

The tenants testified that when the landlord returned the security deposit to the tenants the landlord had deducted \$140.00 from the security deposit for carpet cleaning without the tenants being in agreement with the deduction. The tenants maintain that the carpets did not require cleaning and that the landlord never advised the tenants that cleaning the carpets was a necessity upon vacating the rental unit. The tenants are seeking compensation in the amount of \$140.00 in return of the with-held portion of the security deposit.

The landlord testified that they had reached a verbal agreement with the tenants regarding the cost of carpet cleaning and carpet repair but that they did not get the agreement in writing. The landlord stated that the carpets were very dirty when the tenants moved out and that having them cleaned was a necessity. The landlord pointed out that they had reimbursed the tenants \$210.00 of the October 2010 rent as they vacated the rental unit early which was something the landlords were not required to do.

Move-in and move-out inspection reports have not been submitted into evidence and the landlord has not made a claim against the tenant's security deposit.

Analysis

Based on the documentary evidence and testimony of the parties, I find on a balance of probabilities that the tenants have met the burden of proving that they have grounds for entitlement to a monetary order for return of the with-held portion of the security deposit.

I find that the tenants have established a claim for \$140.00 in return of the with-held portion of the security deposit.

As the tenants have been successful in their application the tenants are entitled to recovery of the \$50.00 filing fee.

Conclusion

I find that the tenants have established a monetary claim for **\$140.00**. The tenants are also entitled to recovery of the \$50.00 filing fee.

A monetary order in the amount of **\$190.00** has been issued to the tenant and a copy of it must be served on the landlord. If the amount is not paid by the landlord, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: April 7, 2010

Residential Tenancy Branch