

Residential Tenancies Tribunal

Application 2024-0937-NL

Seren Cahill
Adjudicator

Introduction

1. Hearing was held on 22-November-2024 at 9:02 am.
2. The applicants, [REDACTED], hereinafter referred to as the tenant, attended via teleconference.
3. The respondent, [REDACTED], hereinafter referred to as the landlord, also attended via teleconference.

Preliminary Matters

4. The landlord acknowledged that they received notice of this hearing more than ten days before the date of the hearing.

Issues before the Tribunal

5. What is the proper disposition of the security deposit?

Legislation and Policy

6. The jurisdiction of the Director of Residential Tenancies is outlined in sections 46 and 47 of the *Residential Tenancies Act, 2018* (the *Act*).

Issue 1: Security Deposit

Tenant's Position

7. The tenant claims \$500.00 in the return of a security deposit originally paid on or about August 2019.

Landlord's Position

8. The landlord says that the tenant caused damages on the rental premises. They admitted, however, that they did not make a claim for these alleged damages.

Analysis

9. In accordance with s. 14(10 and 11) of the Act, once a tenant has made an application under s. 42 of the Act for the return of a security deposit, a landlord has ten days from the date on which they are served a copy of the tenant's application to the director against the security deposit. If they do not do so, s. 14(12) requires that the security deposit be returned to the tenant.
10. In the present case, the landlord acknowledged that they did not make a claim against the security deposit within the required ten days. The security deposit therefore must be returned to the tenant.
11. S. 14(7) of the Act states that a landlord shall credit interest to the tenant on the full amount or value of the security deposit, at the rate prescribed by the regulations, during the time the security deposit is held by the landlord. In this case, the regulations prescribed an interest rate of 0% for the relevant years prior to 2024 and a simple cumulative interest rate of 1% annual for the year of 2024. Calculated to the date of the hearing, this results in a total interest of \$4.47.

Decision

12. The landlord shall pay to the tenant \$504.47 in the security deposit including interest.

6-January-2025

Date

[Redacted]
Seren Cahill
Residential Tenancies Office