

Residential Tenancies Tribunal

Application 2024-1015-NL

Seren Cahill
Adjudicator

Introduction

1. Hearing was held on 3-December-2024 at 9:03 am.
2. The applicant, [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 she received notice of this hearing more than ten days beforehand.

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

7. The tenant seeks the return of a \$730.00 security deposit which he paid to the landlord on or about 22-July-2023. The landlord is opposed as she says that the tenant did not pay his final month's rent and left the premises in an unclean state.
8. When a tenant makes an application before this tribunal for the return of a security deposit, s. 14(11) of the *Act* states that the landlord has 10 days from the date the landlord is served with a copy of the tenant's application to make an application against the deposit. S. 14(12) states that where a landlord does not make an application under s. 14(11), they shall return the security deposit to the tenant. In this case, while the

landlord testified that she had the potential grounds for a claim against the deposit, she did not actually make such an application. The deposit must therefore be returned to the tenant.

9. 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. The regulations prescribed an interest rate of 0% for 2023 and a simple cumulative interest rate of 1% annual for the year of 2024. Calculated to the date of the hearing, this yields a total interest owing of \$6.76.

Decision

10. The landlord shall pay to the tenant \$736.76 in the security deposit including interest.

7-January-2025

Date



Seren Cahill
Residential Tenancies Office