

Residential Tenancies Tribunal

Application [REDACTED]

Decision 19-0388-05

Denise O'Brien
Adjudicator

Introduction

1. The hearing was called at 1:15 p.m. on June 11, 2019 at Residential Tenancies, Motor Registration Building, 149 Smallwood Drive, Mount Pearl, NL.
2. The tenant, [REDACTED], hereafter referred to as the tenant, participated in the hearing by conference call.
3. The landlord, [REDACTED], hereafter referred to as the landlord, participated in the hearing by conference call.

Issues before the Tribunal

4. The tenant is seeking the following:
 - a. Return of the security deposit in the amount of \$375.00;

Legislation and Policy

5. The jurisdiction of the Director of Residential Tenancies is outlined in the Residential Tenancies Act, 2018 (the Act), Section 47.
6. Also relevant and considered in this case is Section 14 of the Act.

Issue 1: Return of the security deposit - \$375.00

Tenant Position

7. The tenant testified that she paid a security deposit in the amount of \$375.00 on March 17, 2018. She moved into the unit on May 1, 2018 on a month to month tenancy with rent set at \$750.00 per month due on the 1st of each month. She moved out of the unit on April 30, 2019 and the landlord has not returned the security deposit as of the date of the hearing.

Landlord Position

8. The landlord testified that he received a security deposit in the amount of \$375.00 and he has not filed a counterclaim to keep the security deposit.

Analysis

9. I have reviewed the testimony and evidence of the tenant and the landlord. I have determined that there is one issue that needs to be addressed; did the tenant pay a security deposit in the amount of \$375.00. The landlord did not dispute that the tenant paid a \$375.00 security deposit and the landlord has not returned the security deposit. Further, the landlord has not filed an application to keep the security deposit as per section 14.(11). Under section 14.(12)

A landlord who does not make an application in accordance with subsection (11) shall return the security deposit to the tenant.

Decision

10. The landlord shall return the \$375.00 security deposit to the tenant.

Summary of Decision

11. The tenant is entitled to the following:

- a) Return of the security deposit..... \$375.00

September 16, 2019

Date

Residential Tenancies Section