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The Residential Tenancies Branch

FACT SHEET

Deposits

Cette information existe également en français.
Composez le 204-945-2476.

The Residential Tenancies Act allows landlords to charge tenants deposits for any of the following:

- security deposits
- pet damage deposits
- tenant services security deposits (for tenancies that include tenant services like meals or light housekeeping)

For each deposit, landlords must:

- tell tenants that a deposit(s) is required before they sign the tenancy agreement (or if it is a pet damage deposit, before they allow tenants to get a pet)
- give tenants a receipt that shows the amount of the deposit, the date the landlord received it and the address of the rental unit and residential complex

Note: Landlords who collect deposit(s) will hold that money for the length of the tenancy. Tenants can only use that money for the last month's rent if landlords agree in writing.

Security deposit

Landlords can charge tenants a security deposit when a tenancy starts or there is an assignment (when someone takes over a tenancy agreement). At the end of a tenancy, the security deposit can be used to cover any unpaid rent, damage, or extraordinary cleaning caused by tenants.

A security deposit cannot be more than 1/2 of the first month's rent. If the rent payable is \$800, the security deposit is \$400. Sometimes landlords offer tenants a discount on their rent. The security deposit is half of the full rent, not the discounted rent.

Pet damage deposit

When landlords let tenants have pets in rental units, they may charge a pet damage deposit. A pet damage deposit collected between June 30, 2010 and July 31, 2014 can't be more than half of one month's rent. A pet damage deposit collected on or after August 1, 2014 can be up to one month's rent. Existing tenants who have already paid a pet damage deposit cannot be asked to pay the increased amount. Landlords can only charge one pet damage deposit, no matter how many pets are allowed in a rental unit.

This deposit can be used to cover any extraordinary cleaning needed or damage done to a unit or a residential complex by pets.

If landlords allowed tenants to have a pet before June 30, 2010, they can't charge a pet damage deposit for that pet.

Landlords **cannot charge a pet damage deposit for tenants who rely on a service animal.**

(see over)

Tenant services security deposit

Landlords who provide tenant services can ask tenants to pay a tenant services security deposit. Tenant services security deposits can only be half of one month's tenant services charge.

This deposit can be used to cover any unpaid tenant services charges or other money owed that is related to a tenant service (ex: if a tenant causes damage to a vehicle used for transportation and doesn't repair the damage).

If the tenant services charge increases because the number of people in the unit has increased, the tenant(s) may be asked to pay an increase in the tenant services security deposit – up to half of the new tenant services charge.

When tenants move out

If there are no problems at the end of a tenancy, landlords must return all of the deposit(s) plus interest, to tenants within 14 days of the end of a tenancy.

Landlords may want to keep all or part of a deposit if:

- tenants have not paid rent or tenant services charges
- tenants or their pets have damaged the rental unit or residential complex
- tenants or their pets have left the unit dirty

Landlords must send tenants a written notice of a claim against a deposit. If the claim is for less than the deposit(s), the landlord must return the amount that isn't being claimed.

If tenants and landlords do not agree on the charges against a deposit(s), either one can ask the Residential Tenancies Branch to make a decision on who should get the deposit(s).

The branch will try to help the landlord and the tenant settle the claim through mediation. If mediation is not successful, a branch officer will decide who should get the deposit and interest. The officer will make a decision by:

- reviewing all the information the landlord and tenant provide, or
- asking the landlord, tenant and their witnesses to come to the branch for a hearing

Tenants can agree to use a pet damage deposit or tenant services security deposit towards any claim their landlord might have against them.

Calculating the interest owing on a deposit

Landlords must pay tenants interest on a deposit from the date they receive it until they give it back to the tenant. The government sets the interest rate payable on deposits.

To see the current and previous interest rates or to calculate the interest on a deposit:

- go to www.manitoba.ca/rtb, or
- call the Information Unit at 204-945-2476 in Winnipeg; toll free at 1-800-782-8403; and follow the options on the automated phone service to calculate the interest on a deposit.

This fact sheet is only a brief explanation on **deposits**. For more information, contact the Residential Tenancies Branch.

This information is available in multiple formats upon request.