



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to obtain a Monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*, an Order to keep all of the security deposit and to recover the cost of the filing fee.

During the hearing the landlord discussed that the tenants on the application had moved from the rental unit on or around March 11, 2009 without any notice. She received an e-mail from these tenants to ask her to assign the fixed term lease to a roommate residing at the property and this e-mail, (dated March 19, 2009) also indicated that the roommate had returned the tenants security deposit to them. The landlord acted in good faith that this e-mail was sent by the original tenants and a new assigned tenancy agreement was entered into with the roommate and his female friend.

The old tenants have asked the landlord to return the security deposit to them as they state that the e-mail sent to the landlord was fraudulent and not sent by them. However, these tenants have failed to appear at the hearing held today to present any evidence to support this allegation. In this event I find that the landlord is entitled to retain the security deposit at this time.

The new tenants have now also left the rental unit. As it is the new tenants that are the current tenants of the rental unit I find the landlord has not served them in accordance



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with the Act with Notice of this hearing and as such I dismiss her application with leave to reapply.

Conclusion

I find the tenants named on the application are not entitled to the return of the security deposit and I Order the landlord to retain the security deposit at this time.

The remainder of the landlords' application is dismissed with leave to reapply if she can locate the tenants named on the tenancy agreement dated March 20, 2009.

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: December 18, 2009.

Dispute Resolution Officer