



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This matter dealt with an application by the Landlord for a Monetary Order for unpaid rent as well as to recover the filing fee for this proceeding and to keep the Tenant's security deposit in payment of those amounts. At the beginning of the hearing, the Tenant confirmed that she has already moved out of the rental unit and as a result, the Landlord's application for an Order of Possession is dismissed without leave to reapply.

The hearing started at 11:00 a.m. as scheduled, however, by 11:10 a.m., the Landlord/Applicant had not dialled into the conference call and as a result, the hearing proceeded in her absence.

### Issues(s) to be Decided

1. Are there arrears of rent and if so, how much?
2. Is the Landlord entitled to keep the Tenant's security deposit?

### Background and Evidence

This tenancy started on October 1, 2009 and was to expire on September 30, 2010. Rent was \$1,200.00 per month. The Tenant paid a security deposit of \$600.00 at the beginning of the tenancy.

The Landlord claimed in her application that the Tenant had rent arrears of \$600.00 for November 2009 which the Tenant denies. The Landlord also claimed rent for December 2009, however, the Tenant said she moved out of the rental unit on November 30, 2009. The Tenant admitted that she did not give the Landlord her forwarding address in writing.

### Analysis

In the absence of any evidence from the Landlord in support of her claim for unpaid rent, it is dismissed without leave to reapply.

Section 38(1) of the Act says that a Landlord's obligation to return a Tenant's security deposit does not arise until the later of 15 days following the end of the tenancy or the date the Tenant gives her forwarding address in writing. As the Tenant has not yet



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provided the Landlord with her forwarding address in writing, the Landlord's application for the security deposit is dismissed with leave to reapply.

## Conclusion

The Landlord's application for an Order of Possession and for a Monetary Order for unpaid rent are dismissed without leave to reapply. The Landlord's application to keep the Tenant's security deposit is dismissed with leave to reapply.

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: January 06, 2010.

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Dispute Resolution Officer