

DECISION

Dispute Codes FF, MNDC, MNSD, O, OLC, SS

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for return of the security deposit, and the applicant is also requesting an order for the respondent to bear the \$50.00 cost of the filing fee that was paid for this application for dispute resolution.

Background and Evidence

The applicant is claiming to be the Executor of the Estate of the former tenant of this rental unit, however to date she has provided no evidence to either the landlord, or to this hearing to prove that she is indeed in the Executor of the Estate.

Analysis

It is my finding that, in the absence of any proof that the applicant is the Executor of the Estate of the former tenant, the respondent landlord is fully justified in retaining the security deposit until such proof is provided.

I therefore will not order that the security deposit be paid to the applicant.

Conclusion

This application 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: March 25, 2010.

Dispute Resolution Officer