



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

### **Dispute Codes**

MNSD, OLC FF

### **Introduction**

This hearing was convened in response to an application by the tenants for the return of their security deposit, and to recover the filing fee for this application.

Both parties attended the conference call hearing and participated with their relevant submissions prior to the hearing and their relevant testimony and questions.

### **Issue(s) to be Decided**

Are the tenants entitled to the return of their security deposit?

### **Background and Evidence**

This tenancy started March 1, 2009 and ended in May 2010. The tenant contingent to this tenancy consisted of the 2 applicant tenants, and one more individual whom is not a party to this application (the 3<sup>rd</sup> tenant).

The landlord collected a security deposit from the original 3<sup>rd</sup> tenant in the amount of \$440. The applicants claim they paid the 3<sup>rd</sup> tenant a total of \$240 as a security deposit and were told by the 3<sup>rd</sup> tenant that he would give it to the landlord. The landlord testified that she did not receive a further security deposit from any of the tenants subsequent to the original amount of \$440; and, that at the end of the tenancy she returned the same amount to the 3<sup>rd</sup> tenant whom had paid it. Several attempts were made by this Officer, as well as the conference call Telus operator, to connect with the 3<sup>rd</sup> tenant as witness for the applicants, but these attempts were not productive as the potential witness did not answer their phone.

### **Analysis**

The applicants have failed to prove that they provided the landlord any amount of money as a security deposit. The applicants may well have some sort of claim against the 3<sup>rd</sup> tenant, but there is no basis upon which to find the landlord responsible for the return of what funds the applicants destined toward a 'security deposit'.

**Conclusion**

The tenant's application **is dismissed**, without 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*.