



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an application by the tenant for the return of their \$800.00 security deposit, their \$800.00 pet deposit and the \$50.00 filing fee paid to bring this application. The tenant testified that she served the landlord with her application for dispute resolution and notice of hearing by registered mail on July 9. I found that the landlord had been properly served with notice of the hearing and of the claim made against him and the hearing proceeded in his absence.

Issue to be Decided

Is the tenant entitled to a monetary order as claimed?

Background and Evidence

The tenant's undisputed testimony is as follows. The tenant paid an \$800.00 security deposit and an \$800.00 pet deposit at the outset of the tenancy in August 2009. The tenant vacated the rental unit on April 28, 2010 and on May 19 the tenant sent a letter to the landlord via registered mail which contained her forwarding address.

Analysis

Section 38(1) of the Act provides that within 15 days of the later of the end of the tenancy or the date the forwarding address is received, the landlord must either repay the deposit to the tenant or make an application for dispute resolution to retain the

deposit. In this case, there is no evidence that the landlord has made an application for dispute resolution.

I find that the tenant is entitled to recover the security and pet deposits and I award her \$1,600.00. I further find that the tenant is entitled to recover the filing fee paid to bring this application and I award her \$50.00.

Conclusion

I grant the tenant a monetary order under section 67 for \$1,650.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Dated: November 18, 2010

Dispute Resolution Officer