

DECISION

Dispute Codes MNSD, FF

Introduction

This is an application by the Tenant for a monetary order for return of the security deposit and recovery of the filing fee. Both parties attended by conference call and gave affirmed testimony.

Issues(s) to be Decided

Is the Tenant entitled to a monetary order?

Background and Evidence

The Tenancy began in July of 2006 for the rental of a basement rental unit. Both parties agree that there is no signed tenancy agreement. The Tenant states that the rent was \$550.00 per month and a security deposit of \$250.00 was paid at the beginning of the tenancy. The Tenant states that he paid the security deposit to the Landlord. The Tenant gave a verbal notice on September 30, 2009 to vacate on October 31, 2009. The Landlord states that the Tenancy is with a female occupant of the rental unit and that the deposit was paid by her. The Landlord also states that this female occupant is the legal Tenant and still occupies the rental unit and is entitled to its' return.

Analysis

The Tenant bears the burden of proving their case. I accept both parties direct evidence and in the absence of supporting evidence for the Tenant, I find that the Tenant has failed to prove his case. The Tenant's application is dismissed.

Conclusion

The Tenant's application is dismissed.

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 17, 2010.

Dispute Resolution Officer