



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

Decision

Dispute Codes:

MNSD

Introduction

This Dispute Resolution hearing was convened to deal with an Application by the tenant for an order for the return of the security deposit retained by the landlord.

Both the landlord and the tenant appeared and each gave testimony.

Issue(s) to be Decided

The tenant was seeking to receive a monetary order for the return of the security deposit that the tenant considers as having been wrongfully retained by the landlord.

The issues to be determined based on the testimony and the evidence is whether the tenant is entitled to the return of double the security deposit pursuant to section 38 of the Act.

The burden of proof is on the applicant to prove the deposit was paid and not returned within 15 days of the end of the tenancy and receipt of the written forwarding address of the tenant..

Analysis and Conclusion

Substantial evidence and testimony was given by both parties culminating in a mutual agreement that the tenant would forfeit the deposit and relinquish claim to it.

Pursuant to the tenant's consent not to pursue the claim for the return of the deposit and the mutual agreement between these two parties, I find that the landlord is entitled to retain the tenant's security deposit and interest in complete satisfaction of all monetary claims arising from this tenancy relationship.



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

Conclusion

Based on the agreement reached between the parties during these proceedings, I hereby order that the landlord keep the tenant's security deposit in full in the amount of \$250.00 plus 26.85 interest in full compensation for the landlord's current or future monetary claims against this tenant under the Residential Tenancy Act.

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 2011.

Residential Tenancy Branch