



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD

Introduction

This hearing was scheduled for 9:00 a.m. on this date to hear the landlord's application to retain the tenant's security deposit. The landlord did not appear at the hearing by 9:10 a.m. The tenant appeared at the hearing, confirmed that she was served with the hearing documents at her forwarding address and was prepared to respond to the landlord's application. Since the respondent appeared and the applicant did not, I dismissed the landlord's application without leave to reapply.

Issue(s) to be Decided

Is the tenant entitled to return of the security deposit?

Background and Evidence

The tenant testified that she did not authorize the landlord to retain the security deposit and was not in agreement with the landlord retaining it. The tenant confirmed that the security deposit paid to the landlord was \$400.00 which is consistent with the amount claimed by the landlord and which appears in the tenancy agreement provided as evidence by the landlord.

Analysis

Residential Tenancy Policy Guideline 17 provides that a Dispute Resolution Officer will order the return of a security deposit, or balance remaining after permitted deductions, upon a landlord's application to retain it or a tenant's application for its return.

Since the landlord's application to retain the security deposit has been dismissed and I find no evidence that the tenant extinguished her right to its return, I order the landlord to return the security deposit to the tenant.

Provided with this decision for the tenant is a Monetary Order in the amount of \$400.00 to serve upon the landlord. The tenant may enforce the Monetary Order in Provincial Court (Small Claims) as an order of the court if necessary.

Conclusion

The landlord's application to retain the security deposit has been dismissed without leave. The landlord must return the security deposit to the tenant. The tenant has been provided a Monetary Order in the amount of \$400.00 to ensure payment is made.

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 14, 2011.

Residential Tenancy Branch