

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an application by the tenant for return of the security deposit. Both parties participated in the conference call hearing.

Issues to be Decided

Is the tenant entitled to any of the above under the Act.

Summary of Background and Evidence

This tenancy started August 2009 with monthly rent of \$800.00, the tenants paid a security deposit of \$400.00.

The tenant testified that on the last day of her tenancy she provided the landlord with her forwarding address. On October 8, 2010 the landlord sent the tenant a letter stating that she was keeping the tenant's \$400.00 security deposit and applying towards the unpaid utility bill of which the tenant's portion is \$812.00.

The landlord testified that she did have the tenants forwarding address but did not return the tenant's security deposit as the tenant owed the landlord money for the utilities. The landlord stated that she thought this hearing would resolve all the issues regarding the security deposit. The landlord did not know that she had to make her own application for compensation or to retain the security deposit.

Analysis

Based on the documentary evidence and testimony I find that the tenant is entitled to return of the \$400.00 security deposit. I hereby Order the landlord to return the \$400.00 security deposit to the tenant. A monetary order will be issued to the tenant and this order may be enforced by the tenant if the landlord does not return the \$400.00 security deposit.

I find that the tenant has established a claim for \$400.00.

Conclusion

I find that the tenant has established a monetary claim **for \$400.00**.

A monetary order in the amount of **\$400.00** has been issued to the tenant and a copy of it must be served on the landlord. If the amount is not paid by the landlord, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

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: February 11, 2011

Residential Tenancy Branch