



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MND, MNR, MNDC, MNSD, FF

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. A hearing was originally held on December 15, 2010 at which the tenant was not in attendance. In a decision of the same date, the landlord was granted a monetary order. The tenant applied for a review of the decision, the review was granted and the December 15, 2010 decision was suspended until a review hearing had taken place.

The hearing on today's date was the review hearing. The Residential Tenancy Branch sent to the landlord a copy of the notice of hearing by regular mail on January 13, 2011. The landlord did not appear at the hearing.

The landlord bears the burden of proving the claim on the balance of probabilities. As the landlord did not appear at the hearing to present the claim, it is dismissed without leave to reapply. The decision dated December 15, 2010 is set aside and of no force or effect.

In the usual course of events, when a landlord makes a claim against the security deposit which is dismissed, the landlord would be ordered to return the security deposit to the tenant. However, at the hearing the tenant stated that he had not given the landlord his forwarding address in writing. As the landlord is not obligated to return the security deposit until the tenant has given his forwarding address in writing, I have not ordered the landlord to return the deposit to the tenant.

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 02, 2011

Residential Tenancy Branch