



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNSD, MNDC

Introduction

Very little information has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also heard testimony from the applicant.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$8,650.00

Background and Evidence

The applicant testified that:

- He went without a proper working fridge for a year and a half, and he estimates that it cost him approximately \$520.00 per month in extra food costs.
- He did not keep any receipts for meals or food, but he believes his estimate is fairly accurate.
- The landlord has also failed to return his security deposit.
- He has not given the landlord a forwarding address in writing, but the landlord knew his address.

Analysis

As far as the security deposit is concerned, the landlord is not required to return the security deposit until he receives a forwarding address in writing from the tenant. Therefore the claim for the return of the security deposit is premature because the tenant has not, as yet, given the landlords a forwarding address in writing.

It is also my decision that I will not allow the applicants claim for extra food costs, because the applicant has failed to supply any evidence of any kind in support of this claim.

To establish a claim for extra food costs, the tenant would have to first provide proof of what his average food costs were prior to having problems with the refrigerator, and then would also have to supply proof to show how much his food costs had increased as a result of problems are with the refrigerator.

In this case the applicant has supplied no evidence of prior costs or increase costs and therefore he has not met the burden of proving his claim of increased costs.

Conclusion

The claim for the return of the \$200.00 security deposit is dismissed with a leave to reapply.

The remaining \$8,450.00 claim for increased food costs is dismissed in full without leave to reapply.

I further order that the applicant pay the filing fee of \$50.00, which was previously waived, to the director of the Residential Tenancy Branch.

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 15, 2011.

Residential Tenancy Branch