



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

Introduction

This was the hearing of applications by the landlord and by the tenant. The landlord requested a monetary order in the amount of \$1,117.40 and an order to retain the security deposit in partial satisfaction of the award. The tenant applied for a monetary order in the amount of her security deposit. The hearing was conducted by conference call. The hearing was originally scheduled to be heard on December 1, 2010, but it was adjourned to this date allow the tenant, who was out of the country at the time of the original hearing, to attend and give evidence. The Tenant called in and participated in the hearing. the landlord attended the hearing on December 1, 2010, but he did not call in and did not participate in this hearing although the hearing was kept open for more than ten minutes.

Issue(s) to be Decided

Is the landlord entitled to a monetary order and if so, in what amount?
Is the tenant entitled to the return of her security deposit?

Background and Evidence

The rental unit is a basement suite in the landlord's house in Surrey. The tenancy began in July, 2009. Monthly rent was \$850.00 and the tenant paid a security deposit of \$425.00.

The tenant moved out of the rental unit on June 30, 2010. The tenant said that she was never given a tenancy agreement and it was not until June 7, 2010 just prior to the end of tenancy that the landlord demanded payment of utilities. The tenant testified that payment of utilities was not discussed before the tenancy began. The tenant said that she was not given copies of utility bills and the landlord never provided her with copies of his documentary evidence in support of his application; she was served with the landlord's application for dispute resolution, but not with any of his evidence.

There was no condition inspection performed at the commencement or at the end of the tenancy.

Analysis and Conclusion

The landlord failed to appear and present evidence on his application. In the absence of an appearance by the landlord his application is dismissed without leave to reapply.

I accept the tenant's evidence that her security deposit was not returned at the end of the tenancy and having dismissed the landlord's application for a monetary order and an order to retain the deposit, the tenant is entitled to a monetary order for the return of her deposit of \$425.00. The tenant is entitled to recover the \$50.00 filing fee for her application for a total award of \$475.00 and I grant the tenant an order under section 67 in the said amount. This order may be registered in the Small Claims Court and enforced as an order of that court.

Dated: February 08, 2011.
