



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This conference call hearing was convened in response to the tenant's application for the return of the security deposit and to recover the filing fees associated with this application.

The tenant participated in the hearing and provided affirmed testimony. She testified that she served the Notice of a Dispute Resolution Hearing to the landlord by way of registered mail sent on November 25<sup>th</sup>, 2010. The landlord did not participate and the hearing proceeded in the tenant's absence.

### Issue(s) to be Decided

Is the tenant entitled to a Monetary Order, and for what amount?

Is the tenant entitled to recover the filing fee?

### Background and Evidence

The tenant testified that pursuant to a written agreement, the tenancy started on July 8<sup>th</sup>, 2010 and ended on October 7<sup>th</sup>, 2010, at which time the rent was \$1348.00. She stated that she paid a security deposit of \$650.00.

The tenant stated that since the filing of this application she has since received the security deposit in the amount of \$650.00.

The tenant is applying for interest and the filing fee.

### Analysis

I accept the tenant's undisputed testimony that she served the landlord with the Notice of Dispute Resolution in a proper manner pursuant to section 89 of the *Residential Tenancy Act*. I find that the landlord knew, or ought to have had knowledge of the date scheduled for this hearing.

RTB's Deposit Interest Calculator established that the interest accrued during this tenancy is \$4.72. Since it would appear that the filing of this application stimulated the landlord's requirement to comply with the Act, I also find that the tenant is entitled to recover the filing fee.

### Conclusion

Pursuant to section 67 of the Act, I award the landlord a monetary claim in the sum of \$54.72

This Order may be registered in the Small Claims Court 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: March 30, 2011.

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Residential Tenancy Branch