



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

MND, MNSD, MNDC, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for compensation for damage to the rental unit; compensation for damage or loss, to retain all or part of the security deposit and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The tenants were present at the scheduled start of the hearing, 9 a.m., and were affirmed. The landlord did not attend the hearing and at 9:13 a.m., the hearing ended.

In the absence of the landlord at this hearing the Application was dismissed.

Residential Tenancy Branch policy suggests that when a landlord applied against the deposit owed any residue of the deposit should be Ordered to the tenants; I find this to be a reasonable stance.

The tenants testified that the tenancy commenced in October 2006; that a deposit in the sum of \$397.00 was paid; the same amount; plus interest, claimed by the landlord within 15 days of the end of the tenancy; October 31, 2010.

Therefore, pursuant to section 62(3) of the Act, I find that the tenants are entitled to return of the deposit plus interest in the sum of \$409.52.

Conclusion

The landlord's Application is dismissed.

I find that the tenants has established a monetary claim, in the amount of \$409.52, which is comprised of the deposit plus interest

Based on these determinations I grant the tenants a monetary Order in the sum of \$409.52, it may be served on the landlord, filed with the Province of British Columbia 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 15, 2011.

Residential Tenancy Branch