



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      MNDC, MNSD, FF

### Introduction

This hearing dealt with an application by the tenant for money owed or compensation for damage or loss, return of the security deposit and recovery of the filing fee. Both parties participated in the conference call hearing.

### Issue(s) to be Decided

Is the tenant entitled to any of the above under the Act.

### Background and Evidence

The tenant testified that on May 14, 2010 and again on November 26, 2010, the tenant provided the landlord with her forwarding address in writing and requested the return of her security deposit. The tenant stated that the landlord to date has not returned the security deposit to her. The tenant in this application is seeking a monetary order for \$475.00 which is for return of double the security deposit.

The landlord stated that the tenant vacated the rental unit without giving proper notice and had a pet in her room however those issues are not part of this application. The landlord stated that they had not made application to retain the tenant's security deposit nor was there an agreement in place whereby the tenant agreed to the landlord keeping the security deposit.

### Analysis

Based on the documentary evidence and undisputed testimony of the tenant, I find on a balance of probabilities that the tenant has met the burden of proving that they have grounds for entitlement to return of double the security deposit per Section 38 (6) (b) of the *Act*.

I find that the tenant has established a monetary claim for \$475.00 in return of double the security deposit.

The tenant is entitled to recovery of the \$50.00 filing fee.

### Conclusion

I find that the tenant has established a monetary claim for **\$475.00**. The tenant is also entitled to recovery of the \$50.00 filing fee.

A monetary order in the amount of **\$525.00** has been issued to the tenant and a copy of it must be served on the landlord. If the amount is not paid by the landlord, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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 23, 2011.

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Residential Tenancy Branch