



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes FF, MNSD

Introduction

Some written arguments were submitted prior to the hearing. I have thoroughly reviewed the arguments.

I also gave the applicant the opportunity to testify at the hearing.

The applicant claims that the respondent was served with notice of the hearing by registered mail that was mailed on November 3, 2010, however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an order for return of double the \$500.00 security deposit for a total of \$1000.00. The applicant is also requesting recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- He believes he paid a security deposit of \$500.00 sometime in October of 2007 however he has not been able to find the receipt for that security deposit.
- He moved out of the rental unit on September 30, 2010, and on October 6, 2010 he sent the landlord a forwarding address in writing by registered mail.

- He also posted his forwarding address in writing on the landlord's residence on October 14, 2010.
- To date the landlord has not returned his security deposit, stating she will not do so unless he provides a receipt showing he paid a deposit.

The applicant is therefore requesting an order for return of double his security deposit plus is filing fee.

Analysis

It is my decision that the applicant has not met the burden of proving that he ever paid a security deposit.

The applicant claims that he paid his security deposit sometime in October of 2007; however he has not provided any evidence in support that claim.

The applicant claims that he was given a receipt for the security deposit however he has been unable to locate that receipt.

I am unwilling to issue any order for the return of the security deposit when the applicant has supplied no evidence of ever having paid one.

I am willing however to give the applicant the opportunity to locate the receipt and then apply again for return of the security deposit.

Conclusion

This application is dismissed in full with the leave to reapply.

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 04, 2011.

Residential Tenancy Branch