

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an application by the tenant for a monetary order for the return of her security deposit. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Is the tenant entitled to a monetary order for the return of her security deposit?

Background and Evidence

The tenancy began on or about December 1, 2010. Rent in the amount of \$750.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$375.00. The landlord gave Notice to End Tenancy for Cause on December 21, 2010. The tenant vacated the unit on December 31, 2010 and gave her forwarding address in writing to the landlord on that same day. Both parties testified that a move in inspection was never done nor a move out inspection. The landlord has returned a portion of the security deposit to the tenant, \$267.85.

Analysis

Through their own evidence both parties confirmed that no move in inspection was done. Section 36(2) of the *Residential Tenancy Act* states; "Unless the tenant has abandoned the rental unit, the right of the landlord to claim against a security deposit or a pet damage deposit, or both, for damage to a residential property is extinguished if (a) the landlord does not comply with section 35(2) [2 opportunities for inspection]. The

landlord testified that she never offered an opportunity for the tenant and herself to do a move in inspection.

The tenant is entitled to double the security deposit minus the previously paid 267.85 for a final balance of \$482.15 .This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenant is granted a monetary order for \$482.15.

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 25, 2011.

Residential Tenancy Branch