



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

MNR, MNSD, FF

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for a monetary Order for unpaid rent, to retain the security deposit and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The tenant was present at the hearing. The tenant stated that she was personally served with Notice of this hearing by the landlord, when she returned to the rental unit to retrieve her mail.

### Preliminary Matters

The tenant provided affirmed testimony that she has not provided the landlord with a written forwarding address and that the address the landlord used on the application is the tenant's employer; not her forwarding address.

The hearing was scheduled to commence at 9 a.m. By 9:10 a.m. the landlord had not entered the conference call and her application was dismissed.

The landlord did not submit any evidence for this hearing.

### Background and Evidence

The tenant stated she paid a \$500.00 deposit in September 2010; the tenant has a receipt issued by the landlord.

The tenant has not received her deposit as she had not provided the landlord with her forwarding address. The tenant confirmed she wished to have the deposit returned.

### Analysis

Residential Tenancy Branch policy suggests that a dispute resolution office return the balance of any deposit remaining when a landlord has made application to retain the deposit. Even though a tenant has not applied for return of the deposit, it is suggested

any balance remaining be ordered returned to the tenant. I find this to be a reasonable stance.

As the landlord failed to attend the hearing and the application has been dismissed without leave to reapply, I find that the tenant is entitled to return of the \$500.00 deposit paid in September, 2010. A monetary order has been issued to the tenant in that amount.

### Conclusion

The landlord's application is dismissed.

The tenant is entitled to return of the deposit in the sum of \$500.00.

Based on these determinations I grant the tenant a monetary Order for \$500.00. In the event that the landlord does not comply with this Order, 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: June 30, 2011.

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Residential Tenancy Branch