



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, MNSD

### Introduction

This hearing dealt with an application by the tenant for an order setting aside a notice to end this tenancy and an order for the return of the security deposit. Both parties participated in the conference call hearing.

### Issues to be Decided

Should the notice to end tenancy be set aside?

Should the landlord be ordered to return the security deposit?

### Background and Evidence

The parties agreed that the tenant was in the process of moving out of the rental unit and the tenant agreed that the landlord should be given an order of possession effective June 12.

### Analysis

In support of the agreement of the parties, I grant the landlord an order of possession effective June 12, 2011. This order may be filed in the Supreme Court and enforced as an order of that Court.

As the tenant has not yet completely vacated the rental unit, I find that her application for the return of the security deposit is premature and I dismiss that portion of her application with leave to reapply.

### Conclusion

The landlord is granted an order of possession and the tenant's claim for the return of the security deposit is dismissed with 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: June 10, 2011

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Residential Tenancy Branch