



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. An Order to retain the security and/or pet deposit pursuant to Section 38.

I accept that the tenant was properly served with the Application for Dispute Resolution hearing package sent by way of registered mail.

The tenant did not appear. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Should the landlord be allowed to retain the security deposit?

Background and Findings

The landlord applied for and obtained a monetary Order against the tenant dated June 29, 2011 in the amount of \$6,000.00. In that previous application the landlord neglected to request to be allowed to retain the security deposit in the sum of \$1,000.00 paid August 31, 2010 and that deposit was not off-set by the Dispute Resolution Officer.

As the landlord has already been awarded \$6,000.00 in compensation for damage or loss, I will allow the landlord to retain the security deposit thereby reducing the monetary award accordingly.

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*.

