



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an application by the tenant seeking an order to have their security deposit returned. The tenants participated in the conference call hearing but the landlord did not. The tenants presented evidence that the landlord was served with the application for dispute resolution and notice of hearing by registered mail on August 4, 2011. I found that the landlord had been properly served with notice of the tenant's claim and the date and time of the hearing and the hearing proceeded in their absence. The tenants gave affirmed evidence.

Issues to be Decided

Are the tenants' entitled to the return of their security deposit?

Background and Evidence

The tenancy began on or about October 1, 2009 and ended on April 30, 2011. Rent in the amount of \$2200.00 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 \$1100.00.

The tenant's gave the following testimony; neither a move in or move out condition inspection was ever conducted by the landlord, no opportunities were given to participate in any inspection, gave proper notice that they would be moving out, gave their forwarding address to the landlord on May 7, 2011, landlord returned \$835.00 of the deposit and retained \$265.00 without their agreement.

Analysis

I accept the tenant's undisputed testimony. The tenants provided documentary evidence that they did not agree to any of the deductions by the landlord as well as proof of their forwarding address.

Section 35 (2) of the Act states "the landlord must offer the tenant at least 2 opportunities, as prescribed for the inspection".

The tenant's have satisfied me that they are entitled to the return of the remainder of the security deposit.

As for the monetary order, I find that the tenant has established a claim for \$265.00. The tenant is also entitled to recovery of the \$50.00 filing fee. I grant the tenant an order under section 67 for the balance due of \$315.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

The tenant's have been successful in their application.

Conclusion

The tenant is granted a monetary order for \$315.00.

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: November 08, 2011.

Residential Tenancy Branch