



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNSD, FF

### Introduction

This hearing dealt with an application by the tenant for an order for the return of double his security deposit. Both parties were represented at the conference call hearing.

### Issue to be Decided

Is the tenant entitled to a monetary order as claimed?

### Background and Evidence

Some of the facts were not in dispute. The parties agreed that the tenancy originally began approximately 20 years ago when the tenant's mother moved into the unit. The tenant resided with his mother on and off during the first 10 years, after which the mother moved out of the rental unit and the tenant assumed the tenancy.

The tenant testified that his mother had told him that she paid a \$350.00 security deposit when she moved into the rental unit. The landlord's agent testified that he has worked as the landlord's accountant during the entire tenancy and that although the tenant's mother paid her first month's rent in two parts, paying \$350.00 prior to the beginning of the first month and a further \$350.00 after she moved in, there is no record of her having paid any monies other than rent.

### Analysis

In order to establish a claim for the return of his security deposit, the tenant bears the burden of proving that a deposit was paid. In this case, the tenant gave testimony that his mother had told him that she'd paid a deposit, but did not provide any corroborating evidence such as a receipt to show that the payment had been made. As the landlord has denied having received a deposit and in the absence of evidence to corroborate the tenant's testimony, I find that the tenant has failed to meet the burden of proving that a deposit was paid and accordingly I dismiss the claim.

Conclusion

The claim is dismissed.

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 10, 2011

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Residential Tenancy Branch