



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an application by the tenant for a monetary order. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on August 3, 2011, the landlords did not participate in the conference call hearing.

Issue to be Decided

Should the landlords be ordered to return the tenant's security deposit?

Background and Evidence

The tenant's undisputed testimony is as follows. The tenancy began in August 2009 at which time the tenant paid a \$225.00 security deposit. The tenant vacated the unit in November 2009 and provided her forwarding address in writing to the landlords on November 23, 2009 and again on June 19, 2011.

Analysis

Section 38(1) of the Act provides that when a tenant has both vacated a rental unit and provided her forwarding address in writing, the landlord must either return the deposit in full or file an application for dispute resolution with a claim to retain the deposit. I accept the tenant's undisputed testimony and I find that she paid a \$225.00 security deposit, she vacated the rental unit by November 30, 2009 and she gave the landlords her forwarding address in writing on November 23, 2009.

The tenant's claim is exclusively for the base amount of the security deposit and recovery of the \$50.00 filing fee paid to bring her application. I find that she is entitled to recover both the deposit and the filing fee and I grant her a monetary order under section 67 for \$275.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenant is awarded \$275.00.

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 07, 2011

Residential Tenancy Branch