

DECISION

Dispute Codes MNDC, MNSD, FF

This is an application filed by the Tenant for a monetary order for the return of all or part of the security deposit, compensation for damage or loss under the Act, regulation or tenancy agreement and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. The Landlord has submitted evidence in response to the Tenant's claims. The Tenant has submitted no evidence.

At the beginning of the hearing, the Landlord clarified that he has no tenancy relationship with the applicant. The Landlord states that the applicant was an illegal sublet by his Tenant, N.B. as shown in the submitted correspondence evidence by the Landlord. The Tenant, F.M. confirms that his rent and security deposit payments were made to the Tenant, N.B. and that this Tenancy ended in January of 2010 when the Landlord made a demand for him to vacate the premises. The Landlord has submitted correspondence evidence to support this claim. The Tenant also confirms that no Tenancy Agreement exists between the Landlord and him.

Based upon the undisputed testimony of the Landlord, I find that no tenancy exists between these two parties and that the Tenant/Applicant should properly be seeking application against the Tenant, N.B. This application is dismissed without 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: December 19, 2011.

Residential Tenancy Branch