



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This application initiating this hearing was brought by the tenant on October 3, 2011 seeking a Monetary Order for return of his security deposit in double on the grounds that the landlord did not return it or make application to claim upon it as required under section 38 of the *Act*.

Despite having made the application, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing while the landlord was represented by three participants. Therefore, the application is dismissed without leave to reapply.

As a matter of note, the landlord's representatives gave evidence that the tenant had not paid a security deposit for this one-month accommodation agreement from July 1, 2011 to August 1, 2011. The accommodation was provided as part of a program provided by the Burnaby Mental Health Centre. As such, it is excluded from the provisions of the *Act* by section 4(g)(vi) which lists living accommodation "that is made available in the course of providing rehabilitative or therapeutic treatment or services" among specialized housing types not covered by residential tenancy legislation. Therefore, the application is dismissed for want of jurisdiction as well.

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 14, 2011.

Residential Tenancy Branch