



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was convened in response to applications filed by both the tenants and the landlords. The tenants sought recovery of their security deposit but did not appear at the hearing of this matter. Their claims are therefore dismissed.

The landlord did attend the hearing and her claims to retain the security deposit was heard

Issue(s) to be Decided

Has the landlord met the burden of proving that she should be allowed to retain the \$1,500.00 security deposit paid by the tenants.

Background and Evidence

The landlord says this tenancy began July 7, 2010 and ended on June 30, 2011. Rent was fixed at \$3,000.00 per month and the tenants paid a \$1,500.00 security deposit. The landlord now seeks to retain that deposit. The landlord testified that the tenant's vacated without paying utility bills.

Analysis

The landlord did not produce the written tenancy agreement setting out the terms of the tenancy nor did she provide a copy of the utility invoices or proof that she presented them to the tenants. Based on this lack of documentary evidence I find that the landlord has failed to prove her claim. Her claim is therefore dismissed.

As the landlord has failed in her claim to retain the deposit she must return the deposit to the tenants. As the deposit was paid in July 2010 no interest has accrued so the landlord must return \$1,500.00 to the tenants forthwith. T

Conclusion

The tenants are provided with an Order in the above terms and the landlord must be served with a copy of this Order as soon as possible. Should the landlord fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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 22, 2011.

Residential Tenancy Branch