



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF, MND

Introduction

This hearing dealt with cross applications. The tenant is seeking an order to have doubled the security deposit returned. The landlord is seeking a monetary order as compensation. The tenant participated in the conference call hearing, the landlord did not. Both parties were made aware of today's hearing date when they filed for dispute resolution. I'm satisfied that both parties were properly informed of today's hearing. The tenant gave affirmed evidence.

Issues to be Decided

Is the tenant entitled to the return of double the security deposit?
Is the landlord entitled to a monetary order for compensation?

Background and Evidence

The tenant gave the following evidence; this was to be a month to month tenancy that was to commence on November 15, 2011, the tenant viewed the subject property on October 26, 2011 and paid a \$700.00 deposit to the landlord for the unit, the tenant made some inquiries into the property and discovered that there had been some issues regarding fire hazards with the basement unit and that this was an ongoing problem, the tenant contacted the landlord the following day of her concerns and asked to have her deposit returned as she felt unsafe in moving into the unit, the tenant feels the landlord misrepresented the property and didn't act in good faith, gave the landlord her forwarding address in writing on November 9, 2011, still has not received her security deposit and is seeking the return of double the security deposit.

Analysis

As both parties have applied for dispute resolution I will deal with the landlord's application first. The landlord did not provide any documentary evidence for this hearing nor did he "dial" into the teleconference. Without providing any documentary or testimonial evidence before me the landlord has failed to satisfy me of his claim.

The landlord has not been successful in his application.

The tenant also applied for dispute resolution in this matter. The tenant has provided supporting documentary evidence along with her testimony that supports her claim. The tenant provided a written statement from the previous tenant that clearly shows that there had been issues with the basement unit. The tenant has satisfied me of their claim.

The tenant is entitled to the return of the equivalent of double the security deposit, $\$700.00 \times 2 = \1400.00 .

The tenant has been successful in her application.

As for the monetary order, I find that the tenant has established a claim for \$1400.00. The tenant is also entitled to recovery of the \$50.00 filing fee. I grant the tenant an order under section 67 for the balance due of \$1450.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlords' application is dismissed in its entirety without leave to reapply.

The tenant is entitled to a monetary order in the amount of \$1450.00.

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: February 02, 2012.

Residential Tenancy Branch