



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNSD

Introduction

Some documentary evidence, photo evidence, and written arguments have been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$1200.00 and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenancy began on October 11, 2009 and at that time he paid the security deposit of \$600.00.
- The tenancy ended on January 31, 2012 and on the same day he gave the landlord a forwarding address, in writing, by hand.
- To date the landlord has failed to return any of the deposit and therefore he is requesting an order for return of double the security deposit.

The respondent testified that:

- The tenant never paid a security deposit at the beginning of the tenancy.
- When the tenant approached him to rent the unit he had limited funds and could not afford pay a security deposit however he felt sorry for the tenant and therefore he allowed him to rent the unit without paying a deposit.

- He even allowed the tenant to use some of his first month's rent to purchase food instead of paying the full rent.
- No deposit was returned, because no deposit was ever paid.

Analysis

It is my finding that the applicant has not met the burden of proving that he ever paid a security deposit to the landlord.

The tenant claims to have paid a deposit and also claims that he was given a handwritten receipt, however he also claims he is unable to find that receipt.

In the absence of any documentary evidence to back up the tenant's claim of having paid a deposit, I am not willing to order any deposit be returned to the tenant.

Conclusion

This application is dismissed, in full, 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: April 24, 2012.

Residential Tenancy Branch