



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This hearing dealt with an application by the tenant for an order compelling the landlords to return double her security deposit. Both parties participated in the conference call hearing.

### Issue to be Decided

Does the tenant have standing to make a claim for the return of the security deposit?

### Background and Evidence

The facts are not in dispute. The tenancy began in 2006 when the tenant, together with her 2 children, entered into a tenancy agreement. The tenant paid a \$1,200.00 security deposit. For each of the following 3 years, the tenant and her children again signed a tenancy agreement and each time the tenant paid an additional \$50.00 to bring the security deposit to one half of the rent that was established at the beginning of each term.

The tenant vacated the unit in 2009 and her adult children remained in the unit. The children signed a new tenancy agreement with the landlord and the tenant allowed them to apply her security deposit in their new tenancy. The tenant's children vacated the unit in 2011 and the tenant now seeks to recover the \$1,350.00 that she paid the landlord for the security deposit between 2006 and 2009.

### Analysis

While it is undisputed that the tenant paid the security deposit and that she has vacated the rental unit, I find that she gifted the security deposit to her children when she permitted it to be applied under their tenancy agreement with the landlord. I find that the tenant does not have standing to claim the return of the security deposit as she

gave it to her children. The tenant's children are the only parties who have standing to bring a claim against the landlord for the return of the security deposit.

Conclusion

The tenant's claim is dismissed.

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 23, 2012

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Residential Tenancy Branch