

DECISION

Dispute Codes MNSD

Introduction

This is an application filed by the Tenant for a monetary order for the return of the security and pet damage deposit.

The Tenant attended the hearing by conference call and gave undisputed testimony. The Landlord did not attend. The Tenant states that the Landlord was served with the notice of hearing and evidence package by Canada Post Registered Mail on March 6, 2012 and has submitted the Customer Tracking Number Receipt as evidence. The Tenant states that Canada Post returned the envelope which shows that the package was refused by the Landlord. As such, I am satisfied that the Landlord was properly served with the notice of hearing and evidence of the Tenant under the Act.

Issue(s) to be Decided

Is the Tenant entitled to a monetary order?

Background and Evidence

This Tenancy began on March 21, 2010 on a fixed term tenancy until April 1, 2011 as shown by the copy of the signed tenancy agreement submitted by the Tenant. At the end of the tenancy the Tenants were on a month to month basis. The Tenant states that he vacated the rental unit at the end of June 2011 and that his Co-Tenant ended the tenancy and vacated the rental unit on July 31, 2011 and returned possession of the rental unit back to the Landlord. The monthly rent was \$1,175.00 payable on the 1st of each month and a security deposit of \$585.00 and a pet damage deposit was paid on February 24, 2010. The Tenant has submitted copies of the receipts issued by the Landlord for the pet damage and security deposits.

The Tenant states that he sent his forwarding address in writing on January 17, 2012 by Canada Post Registered Mail. The letter was returned by Canada Post as refused. The Tenant stated that he has been unable to establish any contact with the Landlords. The Tenant seeks a monetary order for \$885.00 for the return of the security and pet damage deposit.

Analysis

I accept the undisputed testimony of the Tenant and find that the Tenant has complied with the Act. The Tenancy ended on July 31, 2011 and the forwarding address in writing sent by Canada Post Registered Mail on January 17, 2012 was refused by the Landlord. The Landlord has failed to return the security and pet damage deposits and has not filed for dispute to keep either. The Tenant has established his claim for a monetary order for \$885.00. The Tenant is granted a monetary order for \$885.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Tenant is granted a monetary order for \$885.00.

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: May 07, 2012.

Residential Tenancy Branch