



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNSD, RPP, FF*

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for a monetary order for the return of the security deposit and his personal belongings. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

At the start of the hearing, the tenant informed me that he wished to withdraw his claim for the return of personal property. Accordingly, this portion of his claim is dismissed without leave to reapply. Therefore, this hearing only dealt with the tenant's claim for the return of the security deposit.

On November 21, 2012 and January 04, 2013, the parties attended hearings to address the landlord's application for various remedies, one of which was to retain the security deposit of \$725.00. In a decision dated January 11, 2013, the Arbitrator dismissed the landlord's application. Accordingly, the landlord was not permitted to retain the deposit.

Analysis

Based on the above mentioned decision, I find that the tenant is entitled to the return of the security deposit. Since the tenant has proven his case he is also entitled to the recovery of the filing fee of \$50.00. I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for \$775.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the tenant a monetary order in the amount of **\$775.00**.

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 27, 2013

Residential Tenancy Branch

