



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes:

MNSD; FF

Introduction

This is the Tenant's application for return of the security deposit and to recover the cost of the filing fee from the Landlord.

The parties gave affirmed testimony at the Hearing.

It was determined that the Tenant served the Landlord with the Notice of Hearing documents by handing the documents to the Landlord on December 24, 2012. It was also determined that the Landlord served the Tenant with her documentary evidence by leaving the documents in the Tenant's mailbox on March 14, 2013.

Issues to be Decided

- Is the Tenant entitled to return of a portion of the security deposit?

Background and Evidence

This tenancy began on March 1, 2011, and ended on November 24, 2012. Monthly rent was \$1,850.00, due on the first day of each month. The Tenant paid a security deposit in the amount of \$925.00 at the beginning of the tenancy. The Tenant agrees that he caused damage in the amount of \$125.00 to the rental unit and therefore seeks return of \$800.00 of the security deposit.

A condition inspection was completed at the beginning of the tenancy, a copy of which was provided in evidence. The Tenant testified that no condition inspection was completed at the end of the tenancy. The Landlord disputed this and stated that a condition inspection was completed at the end of the tenancy.

The parties attempted to reach an agreement to settle the Tenant's claim, but were unsuccessful. The Landlord stated that she wished to recover damages from the Tenant.

The time allotted for the teleconference was depleted before all submissions could be made. Therefore, this matter was adjourned to a date to be advised. The Landlord was given leave to her own cross application, to be heard together with the Tenant's application at the reconvened Hearing. The Tenant was given leave to provide additional evidence to the Residential Tenancy Branch and the Landlord.

The parties were given time lines with respect to exchanging evidence. The Landlord was ordered to file her application within 5 days of receipt of this Interim Decision. The parties were ordered to serve each other with their evidence, and to provide the Residential Tenancy Branch with copies of that evidence, within 10 days of receipt of this Interim Decision. The parties were ordered to file any rebuttal evidence within 5 days of receipt of the other party's evidence.

Notices of Reconvened Hearing are provided with this Interim Decision. The Tenant is not required to serve the Landlord with the Notice of Reconvened Hearing. The Residential Tenancy Branch will enclose a copy of the Notice of Reconvened Hearing with this Interim Decision to the parties' addresses as provided on the Tenant's Application for Dispute Resolution.

Conclusion

This matter is adjourned to the date and time provided on the enclosed Notice of Reconvened Hearing.

The Landlord has leave to file a cross application. Instructions for service of evidence are provided above.

This interim 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 10, 2013

Residential Tenancy Branch