



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNSD, FF

Introduction

This is an application filed by the Landlord for an order of possession for cause, to keep all or part of the security deposit and recovery of the filing fee.

Both parties attended the hearing by conference call and have confirmed receipt of the notice of hearing package. The Tenant did not submit any documentary evidence. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence, I am satisfied that both parties have been properly served.

At the beginning of the hearing, the Landlord withdrew the request for an order of possession as the Tenant had vacated the rental unit at the end of May 2013. The Tenant has confirmed this in her direct testimony. As such, no further action for this portion of the application is necessary.

Issue(s) to be Decided

Is the Landlord entitled to retain the security deposit?

Background and Evidence

The Landlord filed an application on May 24, 2013 seeking an order to retain the \$350.00 security deposit because “she stopped her welfare rent check for June. She says she is moving at the end of May. I am worried that she won’t move and try to stay for June free rent. She is not packing, I showed her unit today and saw this.” The Tenant disputes this stating that the Landlord has not provided any details of why she wanted to keep the security deposit.

Analysis

I find that the Landlord was premature in her application to retain the security deposit as it is clear that at the time of the application the Tenant was still in possession of the rental unit. The Landlord has failed to provide any details in her application of why she wished to retain the security deposit or provide any notice to the Tenant of such. The Landlord's Application to retain the security deposit is dismissed with leave to reapply.

I decline to order the recovery of the filing fee for the Landlord.

Conclusion

The Landlord's Application is dismissed with 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: June 19, 2013

Residential Tenancy Branch