



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This is an application for the return of the security deposit in the amount of \$175.00.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

Are the applicants entitled to an order for \$175.00 for the return of a security deposit?

Background and Evidence

The applicants testified that:

- This tenancy began in May of 2000, and at that time a security deposit of \$175.00 was paid.
- The tenancy ended on April 30, 2013 and, to date, the landlord has not returned their security deposit.

The respondent testified that:

- He was not the landlord at the beginning of the tenancy however when he purchased the property there was no mention made of any security deposit being held and no security deposit was ever given to him.

- He does not therefore believe that he should be paying any security deposit to the tenants.

In response to the landlord's testimony the tenants testified that:

- They paid their security deposit to their original landlord; however they have no evidence to support the claim that they paid a security deposit.

Analysis

The applicants claim that they paid a security deposit to their original landlord in the amount of \$175.00; however they also testified that they have no evidence to show that a security deposit was paid.

In the absence of any evidence to show the security deposit was paid, I'm not willing to issue any order for the return of a security deposit, especially since the landlord has testified that no security deposit was transferred to him upon purchase of the dispute property.

Conclusion

This application is dismissed without 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: July 31, 2013

Residential Tenancy Branch

