



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Rockwell Management  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This is an application filed by the Tenant for a monetary claim for the return of double the security deposit and recovery of the filing fee.

The Tenants attended the hearing by conference call and gave undisputed testimony. The Landlord did not attend or submit any documentary evidence. The Tenants state that the Landlord was served with the notice of hearing package by Canada Post Registered Mail on July 12, 2013 and has provided copies of the Customer Receipt Tracking numbers for each named party as confirmation.

### Issue(s) to be Decided

Is the Tenant entitled to a monetary order?

### Background and Evidence

This Tenancy began on March 1, 2011 on a fixed term tenancy until August 31, 2011 and then thereafter on a month to month basis. The monthly rent was \$950.00 payable on the 1<sup>st</sup> of each month and a security deposit of \$475.00 was paid on February 1, 2011.

The Tenant states that the tenancy ended on April 30, 2013 and the Tenant's forwarding address in writing was given to the Landlord on in a letter on June 6, 2013 and has provided a copy of this letter. The Tenant received \$200.00 from the Landlord at the end of June 2013, withholding \$275.00 of the security deposit without their permission. The Tenant sent a letter dated July 2, 2013 with notice to the Landlord that no permission had been granted and that the remaining portion was to be re-paid.

The Tenants seek a monetary order for the unreturned portion of \$275.00 and \$475.00 as compensation because the Landlord did not comply with the Act.

### Analysis

I accept the undisputed testimony of the Tenant and find that the Landlord withheld the \$275.00 portion of the security deposit without permission of the Tenant or an order of the Residential Tenancy Branch. The Tenant has established a claim for \$750.00 in compensation. The Tenants are also entitled to recovery of the \$50.00 filing fee. I grant a monetary order under section 67 for the balance due of \$800.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The Tenants are granted a monetary order for \$800.00.

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: August 20, 2013

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Residential Tenancy Branch

