



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC, MNSD, FF

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for a monetary Order for money owed or compensation for damage or loss; to keep all or part of the security deposit; and to recover the fee for filing this Application for Dispute Resolution.

Issue(s) to be Decided

Is the Landlord entitled to retain all or part of the security deposit in compensation for damage to the rental unit?

Background and Evidence

In the Application for Dispute Resolution the Landlord indicated that he is seeking a monetary Order for \$400.00 in compensation for the carpet and rental unit being left unclean. The Landlord submitted no evidence to show the rental unit was not left in reasonably clean condition and he did not attend the hearing in support of his application.

The Tenant stated that:

- this tenancy ended on June 30, 2014
- he provided the Landlord with his forwarding address, via email, on July 13, 2014
- he did not give the Landlord permission to retain any portion of the \$400.00 security deposit he paid
- the Landlord has not returned any portion of that deposit.

Analysis

I find that the Landlord has submitted no evidence to show that he is entitled to keep any portion of the \$400.00 security deposit paid by the Tenant. I therefore find that the Landlord must return the \$400.00 security deposit to the Tenant.

I find that the Landlord has failed to establish the merit of his claim and I therefore dismiss the Landlord's application to recover the fee for filing this Application for Dispute Resolution.

Conclusion

I grant the Tenant a monetary Order for the \$400.00. In the event that the Landlord does not comply with this Order, it may be served on the Landlord, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

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: December 12, 2014

Residential Tenancy Branch

