



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding REMAX RHC REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNSD

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) An Order to return double the security deposit pursuant to Section 38.

SERVICE

Only the landlord attended the hearing and provided evidence that he had received the Application for Dispute Resolution by registered mail. I find the landlord is served pursuant to sections 88 and 89 of the Act for the purposes of this hearing.

Issue(s) to be Decided:

Has the tenant proved on the balance of probabilities that he is entitled to the return of double the security deposit according to section 38 of the Act?

Background and Evidence

Only the landlord attended the hearing and was given opportunity to be heard, to present evidence and make submissions. The hearing continued for 15 minutes but the tenant/applicant never attended. The landlord said that this is the second hearing. In the first hearing, the landlord claimed damages against the security deposit, the tenant did not attend and there were service issues although he had applied within the 15 days set out in section 38 so he was given leave to reapply. Another hearing is scheduled in May 2015.

He said the security deposit was \$550 originally, they returned \$35 to the tenant and made a claim against the rest. He said \$515 remains in trust until it is decided in the May hearing. The tenant did not attend and supplied no documents in support of his Application.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

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Analysis:

I find insufficient evidence to support the Application of the tenant for double his security deposit. I dismiss his claim without leave to reapply.

Conclusion:

I dismiss this Application 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: March 04, 2015

Residential Tenancy Branch

