



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, FF

Introduction and Preliminary Matter

This hearing convened as a result of the Landlord's Application for Dispute Resolution wherein she sought a Monetary Order for damage to the rental unit, to retain the security deposit and to recover the filing fee.

The Landlord attended, as did the Tenant M.T. who appeared on his own behalf and as agent for the Tenant, D.T. Both provided affirmed testimony.

The Application was filed September 19, 2014.

Although the Landlord applied to retain the security deposit, the Condition Inspection Report was not provided in Evidence. The Landlord testified that she provided the Condition Inspection Report to the Residential Tenancy Branch the day before the hearing. She further testified that the Tenant refused to sign the outgoing Condition Inspection Report. The Tenant disputed this allegation, and testified that while a move in Condition Inspection was performed, the Landlord did not perform a move out.

The Landlord also failed to provide any evidence which would support her claim for a Monetary Order. The Landlord also failed to provide proof that the Tenants provided their forwarding address in writing, although she testified it was sometime in late September 2014.

The evidence before me was insufficient. As I was not able to determine whether either party had extinguished their right to claim against the security deposit pursuant to sections 24 and 36 I dismissed the Landlords application with leave to reapply.

The parties were cautioned to follow the Rules of Procedure with respect to the delivery of evidence in support of their position. Further, they were cautioned that my decision did not extend any time limits imposed by the Act. I also suggested that, in the event

the Tenants applied for return of the security deposit, or the Landlord reapplied, that they make their best efforts to ensure their applications were heard together.

Conclusion

There was insufficient evidence to determine whether incoming, or outgoing condition inspections had been conducted or whether either party extinguished their rights to claim against the security deposit. 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: April 22, 2015

Residential Tenancy Branch

