



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC MNSD OPT FF

### Introduction

This is an Application by the tenant for orders as follows:

- a) A Monetary Order for return of her January 2015 rent;
- b) An Order for the return of her security and pet damage deposits; and
- c) To recover filing fees for this Application.

### SERVICE:

The tenant applicant did not attend. The landlord attended and said he was served the Application by registered mail. I find the documents were legally served pursuant to section 89 of the Act.

### Issue(s) to be Decided

Has the tenant proved on the balance of probabilities that she is entitled to a refund of rent and to double her security deposits refunded and to recover the filing fee?

### Background and Evidence

The tenant/applicant did not attend. After waiting 10 minutes, the hearing commenced in her absence. The tenant is seeking the refund of her deposits and rent she paid for January 2015.

The landlord said the tenant in this Application is a co-tenant and he received no money from her. He received the security deposit from the other tenant. He said there had been an incident of violence with a male threatening with a knife so the co-tenant was scared and asked for a change of locks. This tenant gave Notice that she was leaving immediately (email in evidence) and she posted an advertisement to sublet without any permission. When this tenant indicated she wanted to return, the co-tenant offered her keys to the new lock but she never picked them up. Meanwhile the co-tenant was involved in a serious accident and the landlord released her from her fixed term lease; she has now vacated the property.

The landlord said that any monetary dispute is between this tenant and her co-tenant as she paid him no deposits and she also broke the lease by smoking in the premises and having a dog larger than permitted.

### Analysis

I find insufficient evidence to support the tenant's request for a monetary order and she did not attend to support her Application. I find the landlord's evidence credible that she paid him no money, gave her Notice in January 2015 that she was leaving immediately, left and then wanted to return. I find it credible that keys were offered to her but she did not respond as this is supported by emails in evidence.

### Conclusion

I dismiss the Application of the tenant in its entirety without leave to reapply. I find she is not entitled to recover filing fees due to her lack of success.

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: May 13, 2015

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Residential Tenancy Branch

