



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD, MND

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 damage and to keep all or part of the security deposit.

Issue(s) to be Decided

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

Background and Evidence

The Tenant stated that:

- this tenancy ended on March 15, 2015;
- he provided the Landlord with his forwarding address, via email, on March 16, 2015 or March 17, 2015;
- the Landlord served the Application for Dispute Resolution to the forwarding address provided;
- he paid a security deposit of \$1,200, none of which has been returned;
- he did not authorize the Landlord to retain any portion of his security deposit; and
- he does not believe the Landlord has the right to keep his security deposit.

Analysis

As the Landlord did not attend the hearing in support of her application to keep the Tenant's security deposit and the Tenant does not agree that the Landlord has the right to keep the security deposit, I find that the Landlord has failed to establish a right to the security deposit.

As the Landlord has failed to establish a right to the Tenant's security deposit, I find the entire deposit of \$1,200.00 must be returned to the Tenant.

Conclusion

As I have determined that the security deposit must be returned to the Tenant, I grant the Tenant a monetary Order for \$1,200.00. In the event 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: September 03, 2015

Residential Tenancy Branch

