



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF, O

Introduction

This was a hearing with respect to the tenant's application for a monetary award including the return of her security deposit. The hearing was conducted by conference call. The tenant and the landlord called in and participated in the hearing.

Issue(s) to be Decided

Is the tenant entitled to a monetary award and if so, in what amount?

Background and Evidence

The rental property is a house in Vancouver. The landlord rented the house from the owner and then sublet rooms in the house to individual occupants. The tenant testified that she rented a room from the landlord in beginning in November, 2013 at a monthly rent of \$500.00. She paid the landlord a \$250.00 security deposit at the start of her tenancy. At the hearing the landlord acknowledged that she received a security deposit from the tenant.

The tenancy ended at the end of February, 2015 when the owner of the rental property evicted the landlord because she had sublet rooms in the rental property without the owner's permission

The tenant has requested the return of her security deposit, but she did not provide proof that she made a written request or that she provided the landlord with her forwarding address.

The landlord said that the tenant owed money for utilities and did not clean the rental unit and that is why she did not return her deposit.. The landlord did not submit any documentary evidence in response to the tenant's claim.

Analysis

I accept the tenant's testimony that she paid the landlord the sum of \$250.00 as a security deposit in November, 2013. The landlord did not dispute the payment.

The tenant did not provide proof that she gave the landlord her forwarding address in writing and I find that the tenant is therefore not entitled to an award in the amount of double the deposit. The landlord has not advanced a claim against the deposit although she was served with the tenant's application in July. She did not provide any documents in response to the tenant's claim to show that she has a claim to retain any part of the deposit on account of utilities, or for any other reason. I therefore find that the tenant is entitled to a monetary award in the amount of the deposit paid to the landlord, namely: the sum of \$250.00.

Conclusion

The tenant has been awarded the sum of \$250.00. She is entitled to recover the \$50.00 filing fee for her application, for a total award of \$300.00. All other claims are dismissed without leave to reapply. This order may be registered in the 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: January 15, 2016

Residential Tenancy Branch

