



# **Dispute Resolution Services**

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **DECISION**

**Dispute Codes:** MNSD

### **Introduction**

This application was brought by the tenant seeking the unreturned portion of her security deposit on the claim that the landlord failed to return it within 15 days of the latter of the end of the tenancy or receipt of the tenant's forwarding address.

### **Issue(s) to be Decided**

This matter requires a decision on whether the tenant is entitled to a Monetary Order for the unreturned portion of the security deposit.

### **Background and Evidence**

Then parties disagree on the exact date, but the tenant stated that she entered into a rental agreement with the landlord on November 9, 2008, but due to a setback in employment hours, she advised the landlord the following day that she could not proceed with the tenancy. The landlord stated that the dates were further apart, but fundamentally agrees that is what happened.

The tenant stated that the tenancy was to begin December 1, 2008 but the landlord stated it was to begin November 15, 2008.

In any case, the landlord returned \$125 to the tenant but retained \$125.

## Analysis

Section 38(1) one of the *Act* states that, unless the tenant consents otherwise, within 15 days of the latter of the end of the tenancy or receipt of the tenant's forwarding address, the landlord must return the security and pet damage deposits plus interest or make application for dispute resolution to claim upon them.

In this instance, the tenant agreed that she would settle the matter for the unreturned portion of the security deposit plus interest which I calculated at twenty seven cents.

Therefore, I find that the landlord owes the tenant **\$125.27** and issue a Monetary Order in that amount to the tenant for service on the landlord.

The Monetary Order is enforceable through the Provincial Court of British Columbia as an order of that court.

February 10, 2009

---

Dispute Resolution Officer