

## **DECISION**

Dispute Codes      MNSD

### Introduction

This is an application by the Tenant for a monetary order for the return of all or part of the pet damage deposit or security deposit.

The Tenant attended the hearing by conference call and gave undisputed affirmed testimony. The Landlord did not attend.

### Issue(s) to be Decided

Is the Tenant entitled to a monetary order for the return of all or part of the pet damage deposit or security deposit?

### Background and Evidence

The Tenant states that the Landlord was served with the hearing documents by registered mail on September 30, 2010. It was confirmed as successfully served on October 4, 2010. The Tenant has provided a Canada Post tracking number as well as a tracking schedule.

The Tenant states that a \$487.50 security deposit and a \$487.50 pet damage deposit were paid at the beginning of the tenancy.

The Tenant states that the end of the tenancy was June 1, 2010 as shown on the copy of the mutual agreement to end the tenancy. The forwarding address in writing to the Landlord was provided by the Tenant in an email chain with the Landlord dated May 4, 2010. The Tenant states that the Landlord has not returned both deposits within the 15 days allowed under the Act.

### Analysis

Based upon the above facts of the Tenant during her undisputed affirmed testimony, I find that the Landlord was properly served by registered mail with the notice of a hearing.

I find that the Tenant has established a claim of \$975.00, for both the \$487.50 security deposit and the \$487.50 pet damage deposit. The Landlord has failed to return both deposits after the end of the tenancy and being given the forwarding address in writing

as of June 1, 2010. I grant the Tenant an order under section 67 for a balance due of \$975.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Tenant is granted a monetary order for \$975.00.

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: February 02, 2011.

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Residential Tenancy Branch