

DECISION

Dispute Codes MNSD, FF

Introduction

There are applications filed by both parties. The Landlord has filed an application for a monetary order to keep all or part of the security deposit and recovery of the filing fee. The Tenant has filed an application for a monetary order for the return of the security deposit.

The Landlord has attended the hearing by conference call and given undisputed testimony. The Tenant has not attended. The Landlord states that the Tenant was served with his notice of hearing and evidence package by Canada Post Registered Mail on February 17, 2012. The Landlord has submitted the Canada Post Registered Mail Customer Receipt as evidence of service. As such, I find that the Tenant has been properly served with the Landlord's notice of hearing and evidence package and is deemed to have been properly served under the Act.

As the Landlord has attended to respond to the Tenant's application and the Tenant has not, the Tenant's application for dispute is dismissed without leave to reapply.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Background and Evidence

The Landlord states that he never received a full security deposit from the Tenant. The Landlord states that he only received \$50.00 cash. The Landlord states that he received the Tenant's forwarding address on February 9, 2012.

The Landlord seeks \$237.50 for damages. The Landlord has submitted a receipt dated November 11, 2011 from Drain Master for \$142.24 for plumber services for a plugged w.c.

Analysis

The Landlord has not made an application for damages, but only the right to retain the security deposit. I find that the Landlord has not satisfied me that the Tenant was given proper notice of a dispute for damages for the tenancy and as such dismiss the Landlord's claim to retain the \$50.00 security deposit.

The Landlord may make a proper application for damages in accordance with the Residential Tenancy Act following the Rules of Procedure.

Conclusion

The Landlord's application is dismissed.

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: April 30, 2012.

Residential Tenancy Branch