

DECISION

Dispute Codes MNR MNSD FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain a Monetary Order for money owed or compensation for damage or loss under the Act, to keep all or part of the pet and or security deposit, and to recover the cost of the filing fee from the Tenants.

No one was in attendance for the Applicant Landlord however both Respondent Tenants appeared at the hearing.

Issue(s) to be Decided

Is the Landlord entitled to a Monetary Order a) for money owed or compensation for damage or loss under the Act, and b) to keep all or part of the security deposit, pursuant to sections 38 and 67 of the *Residential Tenancy Act*?

Background and Evidence

There was no additional evidence or testimony provided in support of the Landlord's claim as no one attended on behalf of the Landlord.

The Tenants confirmed they provided the Landlord with their forwarding address on November 30, 2009 and the Landlord has not returned the security deposit of \$587.50, which was paid to the Landlord on October 30, 2009.

Analysis

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing. In the absence of the Applicant

Landlord, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the Applicant Landlord called into the hearing during this time. Based on the aforementioned I find that the Landlord has failed to present the merits of their application therefore I dismiss the Landlord's claim.

Having dismissed the Landlord's application the Landlord is not entitled to retain the Tenants' security deposit and is hereby ordered to return the security deposit of \$587.50 plus interest of \$0.00 to the Tenants forthwith.

Conclusion

I HEREBY DISMISS the Landlord's application, without leave to reapply.

A copy of the Tenants' decision will be accompanied by a Monetary Order for **\$587.50**. The order must be served on the respondent and is enforceable through the Provincial 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: May 07, 2010.

Dispute Resolution Officer