



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

MNDC, MND, MNR, MNDS, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for compensation for unpaid rent, damages, damage or loss under the Act, to retain all or part of the security deposit and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

The tenants were each present at the scheduled start of the hearing; 10:30 a.m. The parties waited until 10:40 a.m., to allow the landlord an opportunity to enter the conference call hearing and by 10:40 a.m. the landlord had not attended. As a result of the failure of the landlord to attend the hearing by 10:40 a.m. I then dismissed their Application.

The evidence submitted by the landlord indicated that a deposit in the sum of \$375.00 was paid at the start of the tenancy in July, 2010; this was confirmed by the tenants. Residential Tenancy Branch policy suggests that when a landlord's claim against the deposit does not exceed or is less than the amount held in trust, the balance should be ordered returned to the tenants; I find this a reasonable stance.

Therefore, as the landlord's claim against the deposit is dismissed due to the failure of the landlord to attend this hearing in support of their application, I Order the landlord to forthwith return the deposit in the sum of \$375.00 to the tenants.

Conclusion

The landlord's Application is dismissed.

I find that the tenants are entitled to return of the deposit paid in the sum of \$375.00.

Based on these determinations I grant the tenants a monetary Order in the sum of \$375.00. In the event that the landlord does not comply with this Order, it may be

served on the landlord, filed with the Province of British Columbia 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: February 10, 2011.

Residential Tenancy Branch