



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MND, FF

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, seeking a monetary order for alleged damages to the rental unit and to recover the filing fee for the Application.

This matter was set for hearing by telephone conference call at 1:30 p.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the Respondent Tenant.

Therefore, as the Applicant Landlord did not attend the hearing by 1:40 p.m., and the Respondent Tenant appeared and was ready to proceed, I dismiss the Landlord's claim without leave to reapply.

Furthermore, the Landlord has not claimed to retain the security deposit in this Application and the Landlord is still holding the security deposit nearly five months after the tenancy ended. There is no substantive evidence before me that the Tenants extinguished their right to the return of the deposit or signed away any portion of it.

Therefore, pursuant to section 38 of the Act and the policy guidelines, I must order the Landlord to pay the Tenants double the security deposit, plus the interest on the original amount held. I order the Landlord to pay the Tenants the sum of **\$951.19**, comprised of double the security deposit of \$475.00, paid to the Landlord on November 1, 2008, and the interest of \$1.19 on the original amount held.



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The Tenants are granted a formal order in this amount and must serve the Landlord with the order. The order may be enforced in the Provincial Court of British Columbia.

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: March 07, 2011.

Residential Tenancy Branch