



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for a monetary order for cleaning and damages and to retain the tenant's security deposit in partial satisfaction of the claim.

This application was set to be heard by conference call. The notice of hearing sent to each party required them to join in the conference call at the time of the hearing by calling in to the number provided and entering the participant code identified. This conference call was set for 1:30 p.m.

Only the respondent tenant called in. The line was held open for 10 minutes but the applicant failed to appear and the hearing ended at 1:10 a.m. without any testimony being given by the landlord. Based on the above, I hereby dismiss the landlord's application without leave to reapply.

Section 17 of the Act permits a landlord to charge a security deposit and retain it in trust for the tenant during the tenancy and section 38 of the Act provides that a landlord is not permitted to keep the deposit unless written permission at the end of the tenancy has been given by the tenant or the landlord obtains a order through dispute resolution ordering that the deposit be retained as compensation for proven damages caused by the tenant in violation of the Act.

Accordingly I find that the tenant is entitled to the return of the security deposit in the amount of \$425.00 and hereby issue a monetary order in favour of the tenant for this amount. This order is final and binding. It must be served on the landlord in person or by registered mail and if necessary may be enforced through Small Claims 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: July 15, 2011.

Residential Tenancy Branch