



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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 unpaid utilities, to keep all or part of the pet and or security deposit, and to recover the cost of the filing fee from the Tenants for this application.

The male Tenant appeared at the teleconference hearing however no one appeared on behalf of the Landlord despite this being the Landlord's application for dispute resolution.

### Issue(s) to be Decided

1. Has the Landlord met the burden of proof to obtain a Monetary Order?

### Background and Evidence

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

### 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 and the application is dismissed.

The Tenant confirmed the Landlord has not returned their security deposit of \$400.00 which was paid to the Landlord on March 10, 2008. Having dismissed the Landlord's application the Landlord has no entitlement to retain the Tenant's security deposit, or portion thereof. Therefore I hereby order the Landlord to return the Tenant's security deposit of \$400.00 plus interest of \$4.87.

Conclusion

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

A copy of the Tenant's decision will be accompanied by a Monetary Order for **\$404.87** (\$400.00 + \$4.87). This Order is legally binding and must be served upon the Landlord.

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: October 18, 2011.

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Residential Tenancy Branch