Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   MND, MNSD, FF, O

Introduction

Pursuant to the *Residential Tenancy Act (*the *Act*), I was designated to hear this matter under section 58. This hearing dealt with an application from the landlord for:

- a monetary order for damage to the rental unit pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

While the Respondent attended the hearing by way of conference call, the Applicant did not, although I waited until 11:13 a.m. in order to enable the Applicant to do so.

Rule 10.1 of the Rules of Procedure provides as follows:

> **10.1 Commencement of the dispute resolution proceeding** The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Dispute Resolution Officer. The Dispute Resolution Officer may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

In the absence of any evidence or submissions from the applicant, I order the application dismissed without liberty to reapply.

Since part of the landlord's application was to be given authorization to retain all or a portion of the tenant's security deposit, I order the landlord to return all of the tenant's security deposit plus applicable interest in accordance with section 38 of the *Act*. The parties are referred to the provisions of section 38 of the *Act* with respect to the landlord's duty to return all of the tenant's security deposit within 15 days. 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: November 28, 2011

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Residential Tenancy Branch