



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

MNSD, MNR, MNDC, MND, FF

### **Introduction**

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. A Monetary Order for unpaid rent / loss of revenue (\$895.00) - Section 67;
2. A Monetary Order for damages to the unit (\$305.00) – Section 67
3. An Order to retain the security deposit (-\$437.50) - Section 38
4. An Order to recover the filing fee for this application (\$50.00) - Section 72.

This matter was set for a conference call hearing at 9:30 a.m. on this date. The *Respondent* in this matter attended the conference call but the *Applicant* did not. As the *Applicant* for this matter did not call into the conference call by 9:40 a.m. their application **is dismissed**, without leave to reapply.

The tenant testified that at the outset of the tenancy the landlord collected a security deposit of \$437.50, which the landlord still holds in the original amount.

### **Analysis and Conclusion**

Residential Tenancy Policy Guideline #17, in part, states as follows:

#### **RETURN OR RETENTION OF SECURITY DEPOSIT THROUGH ARBITRATION**

The Arbitrator will order the return of a security deposit, or any balance remaining on the deposit, less any deductions permitted under the Act, on:

- a landlord's application to retain all or part of the security deposit, or
- a tenant's application for the return of the deposit

unless the tenant's right to the return of the deposit has been extinguished under the Act. The arbitrator will order the return of the deposit or balance of the deposit, as applicable, whether or not the tenant has applied for arbitration for its return.

In this application the landlord requested the retention of the security deposit in partial satisfaction of their monetary claim. Because the claim has been dismissed in its entirety without leave to reapply it is appropriate that I Order the return of the tenant's security deposit. I so Order and I grant the tenant a Monetary Order in the amount of **\$437.50**. If necessary, this order may be registered in the Small Claims Court and enforced as an order of that court.

This Decision is final and binding on both parties.

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: June 11, 2012

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Residential Tenancy Branch