



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order permitting him to retain the security deposit.

This matter was set for a telephone conference call hearing at 10:30 a.m. on this date. The line remained open while the phone system was monitored for 10 minutes. During this period, the respondent joined the hearing but the applicant did not.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord did not appear to provide evidence. The undisputed testimony of the tenant is that the tenancy began in June 2009 at which time the tenant paid a security deposit of \$825.00 and that the tenancy ended on July 31, 2012.

Analysis

As the applicant did not appear by 10:40 to advance his claim and as the respondent appeared and was prepared to proceed, I dismiss the application without leave to reapply.

Residential Tenancy Policy Guideline #17-2 provides as follows:

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.

I find no evidence to suggest that the tenant has extinguished his right to the return of the deposit. In the spirit of administrative efficiency and pursuant to the terms of the Residential Tenancy Policy Guidelines, I order that the landlord forthwith return to the tenant the \$825.00 security deposit. I grant the tenant a monetary order under section 67 for \$825.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord's claim is dismissed and the landlord is ordered to return to the tenant the \$825.00 security deposit. The tenant is granted a monetary order for \$825.00.

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 25, 2012

Residential Tenancy Branch