



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNR, MND, MNDC, FF

Introduction

This telephone conference call hearing was convened as the result of the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") for a monetary order for money owed or compensation for damage or loss, damage to the rental unit and unpaid rent, for authority to retain the tenant's security deposit and for recovery of the filing fee.

The hearing began at 1:00 p.m. as scheduled and the telephone system remained open and was monitored for 11 minutes. During this time, the applicant/landlords did not dial into the hearing; however the respondent/tenant appeared at the telephone conference call hearing and presented that she was ready to proceed with the hearing.

Issues

Is the landlord entitled to a monetary order, for authority to retain the tenant's security deposit and to recover the filing fee?

Background and Evidence

The landlords' application contained a request for a monetary order in the amount of \$1126.94, comprised of a half of a month's rent for \$600.00, repair to an oven door for \$362.52, and unpaid hydro costs. Additionally the landlords in their written submissions stated that they have retained the tenant's security deposit of \$575.00 and request that they be able to retain this amount in partial satisfaction of their monetary award.

The tenant confirmed that she had not received her security deposit from the landlords.

Analysis

In the absence of the landlords to present their claim, I therefore dismiss the landlords' application, without leave to reapply.

As I have dismissed the landlords' application, I direct the landlords return to the tenant the full amount of her security deposit in the amount of \$575.00, pursuant to Residential Tenancy Branch Policy Guideline 17, which states that the arbitrator will order the return of the tenant's security deposit on a landlord's application to retain the security deposit, pending the outcome and as applicable.

Conclusion

I therefore grant the tenant a final, legally binding monetary order in the amount of \$575.00, which I have enclosed with the tenant's Decision.

Should the landlords fail to pay the tenant this amount without delay, the monetary order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an Order of that 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* and is being mailed to both the applicant and the respondent.

Dated: December 10, 2012.

Residential Tenancy Branch