



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND MNR MNSD FF SS

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial compensation of the monetary claim.

The hearing first convened on February 19, 2013. On that date, an agent for the landlord, the tenant and counsel for the tenant called in to the teleconference hearing. At the outset of the hearing, the landlord's agent requested an adjournment, as the landlord had only received the tenant's evidence on February 11, 2013, and needed more time to review and translate the tenant's evidence. Given the length and complexity of the tenant's submissions, I determined it was appropriate to grant the requested adjournment.

The hearing reconvened on March 21, 2013 at 1:00 p.m. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was counsel for the respondent. Therefore, as the applicant did not attend the hearing by 1:10 p.m., and the respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply.

Issue – Return of Security Deposit

As the landlord's application was dismissed, I grant the tenant a monetary order for \$450, the amount of the security deposit, which the landlord must return to the tenant.

Conclusion

The landlord's application is dismissed without leave to reapply.

I grant the tenant an order under section 67 for the balance due of \$450. This order may be filed in the Small Claims Court and enforced 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*.

Dated: March 21, 2013

Residential Tenancy Branch

