



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR, OPR, MNSD, LRE

Introduction

This hearing was convened in response to an application by the landlord **and** an application by the tenant.

The tenant's application sought to set conditions on the landlord's right to enter and for the return of their security deposit. The tenant appeared in the conference call and advised they vacated the rental unit on April 12, 2013, and that they and the landlord had resolved the purported arrears in rent. The tenant's applications pertaining to a surviving tenancy are moot and dismissed. The tenant's remaining relevant application seeks the return of the security deposit.

The landlord sought an Order of Possession due to unpaid rent, a Monetary Order to recover rental arrears and to retain the security deposit in partial satisfaction of the monetary claim. Only the tenant appeared in the conference call hearing and participated with their testimony. As the landlord did not appear to represent their application, their application is preliminarily **dismissed** without leave to reapply.

Issue(s) to be Decided

Is the tenant entitled to the monetary amounts claimed?

Background and Evidence

The testimony of the tenant is that they vacated the tenancy one week ago. The tenant was advised that under Section 38 of the Act the landlord has 15 days from the day the tenancy ends or they receive the tenant's forwarding address and therefore their request for the security deposit is premature.

Analysis

I find the tenant's application for the return of their security deposit is premature and that it must be administered in accordance with Section 38 of the Act. As a result, **I dismiss** the tenant's application for the return of their security deposit, with leave to reapply.

I find the landlord failed to attend a dispute resolution hearing which they themselves initiated, and as a result **I dismiss** their application, without leave to reapply.

Conclusion

The tenant's application is **dismissed**, with leave to reapply.

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

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: April 18, 2013