



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

This hearing dealt with an application by the landlords for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. 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 respondents joined the hearing but the applicants did not. As the applicants did not appear by 10:40 to advance their claim and as the respondents appeared and were prepared to proceed, I dismiss the application without leave to reapply.

At the hearing, the tenants testified that they had paid the landlords a \$600.00 security deposit in September 2012 and that the deposit has not yet been returned to them. The tenancy ended on March 31, 2013 and the landlords filed their application for dispute resolution on April 10, 2013.

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.

As there is no evidence to suggest that the tenants have extinguished their right to the return of the deposit, I find that they are entitled to the return of their deposit. In the spirit of administrative efficiency and pursuant to the terms of the Residential Tenancy Policy Guidelines, I order that the landlords forthwith return to the tenants the \$600.00 security deposit. I grant the tenants a monetary order under section 67 for \$600.00.

This order may be filed in the Small Claims Division of the Provincial 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: June 20, 2013

Residential Tenancy Branch