



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, FF

Introduction

Pursuant to section 58 of the *Residential Tenancy Act*. (the *Act*), I was designated to hear this matter. This hearing dealt with the landlord's application for:

- a monetary order for damage to the rental unit pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

While the Respondent attended the hearing by way of conference call, the Applicant did not, although I waited until 9:43 a.m. in order to enable the Applicant to connect with this teleconference hearing scheduled for 9:30 a.m.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the dispute resolution proceeding The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

In the absence of the applicant's participation in this hearing, I order the landlord's application dismissed without liberty to reapply.

When I advised the tenant at the hearing of my decision to dismiss the landlord's application for dispute resolution, the tenant requested the return of her security deposit.

As the landlord's application to obtain authorization to retain the tenant's \$1,387.50 security deposit has been dismissed, I order the landlord to return that deposit paid by the tenant when this tenancy began in September 2012.

Conclusion

I dismiss the landlord's application without leave to reapply.

As the landlord's application to retain the tenant's security deposit has been dismissed, I issue a monetary Order in the tenant's favour to obtain a return of her \$1,387.50 security deposit. The tenant is provided with these Orders in the above terms and the landlord must be served with this Order as soon as possible. Should the landlord fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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: November 07, 2013

Residential Tenancy Branch

