



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, MNDC

### Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution, and was set for hearing by telephone conference call at 1:30 p.m. on this date.

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 the Respondent.

### Analysis and Conclusion

As the Applicant did not attend the hearing by 1:40 p.m., and the Respondent appeared and was ready to proceed, I dismiss the Tenant's claims without leave to reapply, with the exception of the security deposit claim.

The Respondent Landlord explained he was still holding the Tenant's security deposit and he explained the Tenant owed him money so he did not return the deposit or claim against it.

It was explained to the Landlord that they cannot just keep the deposit because they feel they are entitled to it.

It was explained to the Landlord that under section 38 of the Act, they have 15 days from the date the tenancy ended or receipt of the forwarding address for return of the deposit, to either make a claim to keep the security deposit or return it to the Tenant.

As the Landlord now has the forwarding address for the Tenant in the Tenant's Application for Dispute Resolution, I ordered the Landlord to either file an Application for Dispute Resolution to keep the deposit or to return it to the Tenant, within 15 days of the date of this hearing.

If the Landlord fails to do either of these, the Tenant has leave to apply for double the security deposit, although all other claims made by the Tenant in this Application are dismissed without leave to reapply.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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 28, 2014

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Residential Tenancy Branch

