



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 525 10th Street Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, MNSD, MNDC, FF

### Introduction

This was a hearing with respect to an application by the landlord for a monetary order and an order to retain the tenants' security and pet deposits in partial satisfaction of the monetary award. The hearing was conducted by conference call. The named tenant called in at the appointed time. A representative of the landlord did not call into the hearing although this was the hearing of the landlord's application. The hearing was kept open for more than 10 minutes after the scheduled start time but the landlord's representative did not attend the hearing.

### Issue(s) to be Decided

Is the landlord entitled to a monetary award and if so, in what amount?  
Is the landlord entitled to retain the security and pet deposits?

### Background and Evidence

The landlord applied for a monetary award in the amount of \$1,350.82 and an order to retain the tenants' security deposit of \$425.00 and pet deposit of \$425.00 in partial satisfaction of the monetary claim.

The named tenant attended the hearing. No one attended on behalf of the landlord.

### Analysis and conclusion

In the absence of an appearance by the landlord, the landlord's application is dismissed without leave to reapply.

Residential Tenancy Policy Guideline 17 provides policy guidance with respect to security deposits and setoffs; it contains the following provision:

**RETURN OR RETENTION OF SECURITY DEPOSIT THROUGH ARBITRATION**

1. 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.

In this application the landlord requested the retention of the security and pet deposits in partial satisfaction of the monetary claim. Because the claim has been dismissed in its entirety without leave to reapply it is appropriate that I order the return of the tenants' security and pet deposits; I so order and I grant the tenants a monetary order in the amount of \$850.00. This order may be registered 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: July 29, 2014

---

Residential Tenancy Branch

