



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNSD, MNDC, FF

### Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for damage to the rental unit, and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement 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 their filing fee for this application from the tenant pursuant to section 72.

The landlords/applicants did not attend this hearing, although I waited until 11:15 a.m. in order to enable them to connect with this teleconference hearing scheduled for 11:00 a.m. The tenant attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

### Issues(s) to be Decided

Should the landlords' application be allowed? If not, is the tenant entitled to a return of his security deposit pursuant to section 38 of the *Act*?

### Background and Evidence

Rule 10.1 of the Rules of Procedure provides as follows:

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

The tenant testified that the landlords continue to hold his \$849.50 security deposit paid on March 12, 2013, before this tenancy began on April 1, 2013.

Analysis

**In the absence of the applicants' attendance at this teleconference hearing, I order the application dismissed without liberty to reapply.**

Based on my decision to dismiss the landlords' application for dispute resolution, I order the landlords to return the tenant's \$849.50 security deposit, plus applicable interest. No interest is payable over this period.

Conclusion

I dismiss the landlords' application for dispute resolution without leave to reapply. I order the landlords to return the tenant's \$849.50 security deposit forthwith. In the event that the landlords do not comply with this order, I issue a monetary Order in the tenant's favour in the amount of \$849.50. The tenant is provided with these Orders in the above terms and the landlord(s) must be served with this Order as soon as possible. Should the landlord(s) 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: August 05, 2014

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Residential Tenancy Branch

