



# 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 was scheduled for a teleconference call at 9:30 a.m. on this date to deal with the landlord's application for authorization to make deductions from the tenant's security deposit. The tenant appeared at the hearing but the landlord, or an agent for the landlord, did not appear at the hearing despite leaving the teleconference call open for at least 10 minutes.

I note that prior to the scheduled hearing the landlord had submitted to the Branch that she would be in Europe at the time of the hearing and she requested the hearing be rescheduled for a later date, and if it was not rescheduled, the landlord indicated that she would be represented by her husband at the hearing. Considering the tenant has been waiting for resolution to this matter for nearly four months, and the landlord had the option to either call into the teleconference call from Europe or have her husband appear, the hearing was not rescheduled.

Since the tenant appeared at the hearing and was prepared to deal with the claim against her security deposit and the landlord or her husband did not appear at the scheduled hearing, I dismissed the landlord's application without leave to reapply.

The tenant confirmed she had not yet received a refund of any portion of her security deposit.

### Issues(s) to be Decided

Disposition of the security deposit.

### Background and Evidence

The tenant confirmed that her security deposit is \$362.50 as indicated in the landlord's Application.

### Analysis

Since the landlord continues to hold the security deposit and the landlord's claims against the security deposit have been dismissed, in keeping with Residential Tenancy Policy Guideline 17: *Security Deposits and Set-Off*, I order the landlord to return the full amount of the security deposit to the tenant.

With the tenant's copy of this decision is a Monetary Order in the amount of \$362.50 for the tenant to serve upon the landlord and enforce as necessary. The Monetary Order may be enforced in Provincial Court (Small Claims) should the landlord fail to comply with this Order.

### Conclusion

The landlord's application has been dismissed. The landlord has been ordered to return the security deposit to the tenant. The tenant has been provided a Monetary Order in the amount of \$362.50 to serve upon the landlord and enforce as necessary.

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: October 09, 2014

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Residential Tenancy Branch

