



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: MND, MNDC, MNSD, FF

Introduction

This matter involved an Application for Dispute Resolution made by the Landlord on July 11, 2014, claiming for a monetary order, to keep the security deposit and to recover the filing fee for the Application.

This matter was set for hearing by telephone conference call at 11:00 a.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 Tenant.

Analysis and Conclusion

Rule 10.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

Commencement of 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.

As the Applicant Landlord did not attend the hearing by 11:10 a.m., and the Respondent Tenant appeared and was ready to proceed, I dismiss the Landlord's claim without leave to reapply.

As the Application of the Landlord against the security deposit has been dismissed without leave to reapply, I order the Landlord to return the security deposit to the Tenant pursuant to Policy Guideline 17, and sections 38 and 67 of the Act.

Therefore, I grant the Tenant a monetary order for return of the security deposit in the amount of **\$725.00**.

This order must be served on the Landlord and may be enforced through the Provincial Court, Small Claims Division.

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: December 08, 2014.

Residential Tenancy Branch

