



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord filed under the Residential Tenancy Act, (the "Act"), for a monetary order for damages to the unit, for an order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee from the tenant.

This matter was set for hearing by telephone conference call at 2:00 P.M. on May 21, 2015. 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 tenant. Therefore, as the landlord did not attend the hearing by 2:10 A.M, and the tenant appeared and was ready to proceed, I dismiss the landlord's claim without leave to reapply.

Since the landlord's application was dismissed and the landlord does not have any authority under the Act to retain any portion of the tenant's security deposit.

Therefore, I order the landlord to return the tenant's security deposit in the amount of **\$432.50**. The tenant is granted a monetary order in the amount stated.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court should the landlord fail to comply with my order.

Conclusion

The landlord's application is dismissed without leave to reapply. The tenant is granted a monetary order for the return of the security deposit.

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: May 22, 2015

Residential Tenancy Branch

