



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Pemberton Holmes Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, MNDC, MNR, MNSD, O, FF

Introduction

This was a hearing with respect to the landlord's application for a monetary award and for an order to retain the tenants' security deposit. The hearing was conducted by conference call. The landlord did not attend, but the named tenant did call in and participate in the hearing. The hearing was kept open for 15 minutes after the scheduled start time, but no one called in on behalf of the landlord during that period.

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 all or part of the security deposit or pet deposit?

Background and Evidence

The rental unit is a suite in Victoria. The landlord applied on December 10, 2014 to claim a monetary award in the amount of \$2,494.50. The landlord said in the application that:

The respondents broke their lease and vacated the property without cleaning the suite, carpets, drapes or removing their belongings. The freezer was left in a state of disrepair requiring replacement and outstanding pet damage required repair. The suite remained vacant for two weeks prior to being re-rented. Please see invoices and evidence for details.

The landlord did not submit any documentary evidence in support of the claim. The tenant said at the hearing that he submitted some evidence by fax before the hearing. After the hearing I made inquiries to see if any faxed evidence had been received from the tenants, but none could be found and there was no record of any fax from the tenants.

Analysis

This hearing commenced on July 28, 2015 at 2:30 P.M. In the absence of an appearance by the landlord's representative or agent by 2:45 P.M., this application is dismissed without leave to reapply. Because I have no documentary evidence from either party to establish what amounts were paid as a security deposit or pet deposit, I make no order for the return of any deposit amounts. The tenants have leave to apply for a monetary order for the payment of their deposits in the event that they are not returned.

Conclusion

The landlord's application has been dismissed without leave to reapply. The tenants may file their own application for payment of deposit amounts.

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 30, 2015

Residential Tenancy Branch

