



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Tenant's application: MNDC, MNSD, FF

Landlord's application: MND, MNR, MNSD, MNDC, FF

Introduction

This was a hearing with respect to applications filed by the tenant and by the landlord. The hearing was conducted by conference call. The tenant did not call in and did not participate in the hearing. The landlord did not attend, but an agent attended on behalf of the landlord.

Issue(s) to be Decided

Is the tenant entitled to a monetary award for the return of the security deposit, including double the amount?

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?

Background and Evidence

According to documents provided by the tenant, the tenancy began on September 1, 2015. The monthly rent was \$750.00 and the tenant paid a security deposit of \$375.00. In the tenant's application filed December 30, 2015 the tenant claimed payment of the sum of 700.00.

The landlord filed his application on April 13, 2016. He claimed payment of the sum of \$1,165.00 for unpaid rent, cleaning and repairs. The landlord did not attend the hearing and did not submit any documentary evidence to support the amounts claimed.

The tenant submitted some documentary evidence, but did not attend the hearing, although the hearing was kept open for more than 10 minutes after the scheduled hearing time.

Analysis

In the absence of an appearance by the tenant, the tenant's claim is dismissed with leave to reapply. The landlord's representative attended the hearing, but the landlord did not submit any documentary evidence to support his claim for a monetary award and the landlord's representative was unable to provide testimony with respect to the landlord's claims; the landlord's claims for a monetary award and an order to retain the security deposit are also dismissed with leave to reapply. Leave to reapply does not constitute an extension of any applicable time limit.

Conclusion

Each of the applications has been dismissed with leave to reapply.

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 18, 2016

Residential Tenancy Branch