



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNSD, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*, to retain the security deposit and pet deposits and for the recovery of the filing fee. Despite having made application and having served the tenant with the notice of hearing, the landlord did not attend the hearing. The tenant attended the hearing.

The conference call remained open for ten minutes and the landlord did not call in. Since the applicant landlord did not attend the hearing, the landlord's application is dismissed. During the waiting time the tenant requested for the return of the security and pet deposits.

Background and Evidence

Based on the testimony of the tenant I find that the tenancy started in November 2015 and ended in January 2016. The monthly rent was \$1,100.00 payable on the first of each month. Prior to moving in the tenant paid a security deposit of \$500.00 and a pet deposit of \$500.00. The tenant stated that she had provided the landlord with a forwarding address at the end of tenancy. The landlord made this application on February 04, 2016 which is within the legislated time frame of 15 days.

Analysis

Residential Tenancy Policy Guideline 17 provides policy guidance with respect to security deposits and setoffs; it contains the following provision:

Return or retention of security deposit through arbitration

1. The arbitrator will order the return of a security deposit, or any balance remaining on the deposit, less any deductions permitted under the Act, on:

- a landlord's application to retain all or part of the security deposit, or
- a tenant's application for the return of the deposit unless the tenant's right to the return of the deposit has been extinguished under the Act. The arbitrator will order the return of the deposit or balance of the deposit, as applicable, whether or not the tenant has applied for arbitration for its return.

In this application the landlord requested the retention of the security and pet deposits totaling \$1,000.00. Because the landlord's claim has been dismissed in its entirety without leave to reapply, it is appropriate that I order the return of the tenant's deposits. I so order and I grant the tenant a monetary order in the amount of \$1,000.00. This order may be registered in the Small Claims Court and enforced as an order of that court.

Conclusion

I grant the tenant a monetary order in the amount of **\$1,000.00.**

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: September 22, 2016

Residential Tenancy Branch