



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: **MNSD, O, FF**

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested to retain the security deposit and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

The details of the dispute section of the application indicate a claim in the sum of \$750.00, as "other" representing liquidated damages. Therefore, I find that the landlord has set out a claim requesting compensation for damage or loss under the Act.

The tenant was present at the scheduled start of the conference call hearing; 1:30 p.m. By 1:41 p.m. the landlord had yet to attend the hearing. At 1:41 p.m. the landlord's application was dismissed and the hearing was ended.

The tenants had paid a security deposit in the sum of \$750.00; as set out in the evidence supplied by the landlord. The tenant confirmed that neither of the two co-tenants signed agreeing to any deduction from the deposit at the end of the tenancy.

Residential Tenancy Branch policy suggests that when a landlord applies claiming against a deposit any residue of the deposit should be ordered returned to the tenant. Therefore, as the landlord has claimed against the security deposit and that application is dismissed I find, pursuant to section 62(3) of the Act, that the tenants are entitled to return of the \$750.00 security deposit.

Based on these determinations I grant the tenants' a monetary order in the sum of \$750.00. In the event that the landlord does not comply with this order, it may be served on the landlord, filed with the Province of British Columbia Small Claims Court and enforced as an order of that Court.

Conclusion

The landlords' application is dismissed.

The landlord is ordered to return the security deposit to the tenants.

This decision is final and binding 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: January 11, 2017

Residential Tenancy Branch

