



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNDC, MNR, MNSD

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant, and one brought by the landlord. Both files were to be heard together; however the landlord did not appear at today's hearing and therefore the landlords application was dismissed without leave to reapply, and since the landlord was well aware of today's hearing, I proceeded with the tenants application.

The tenants application is a request for a monetary order for \$4807.98, and a request for return of their full security deposit and pet deposit, totaling \$2350.00.

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the tenants the opportunity to give their evidence orally.

All testimony was taken under affirmation.

Issue(s) to be Decided

As stated above the landlords application for a monetary claim against the tenants, and the request to retain the full security deposit towards that claim, has been dismissed in full without leave to reapply, and therefore the issue I dealt with was whether or not the tenants have established monetary claim against the landlord, and whether to issue an order for the return of their security/pet deposit.

Background and Evidence

The tenants testified that this tenancy began on April 1, 2013 and on that date they paid a security deposit of \$1175.00, and a pet deposit of \$1175.00 for a total of \$2350.00.

The tenants further testified that none of the security or pet deposit has been returned.

Decision and Reasons

As stated above, the landlord did not appear at today's hearing, even though I waited until well past the time at which the hearing was to start, the landlord did not join the conference call that was set up for the hearing.

Since the landlord did not appear at the hearing I informed the tenants that the landlord's application would be dismissed in full, without leave to reapply, and that I would be ordering the landlord to return the full security/pet deposit of \$2350.00.

The tenants stated that, since the landlord's application had been dismissed in full, without leave to reapply, and since they would be receiving an order for the full return of their security/pet deposit, they were willing to withdraw the remainder of their claim against the landlord.

Conclusion

The landlord's application for a monetary order of \$9700.00 is dismissed, in full, without leave to reapply.

I have issued an Order for the landlord to return the tenants full security/pet deposit of \$2350.00.

The tenants have withdrawn the remainder of their claim, over and above the amount of their security/pet 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: February 02, 2017

Residential Tenancy Branch