



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes

MNDC MNSD MNR FF

### Introduction

This hearing was convened in response to an Application for Dispute Resolution by the landlord pursuant to the Residential Tenancy Act (the Act), for a monetary order and to retain the security deposit toward their monetary claim.

The applicant landlord was provided with a copy of the Notice of a Dispute Resolution Hearing after filing their application April 12, 2017. The landlord, however, did not attend the hearing set for today at 1:30 p.m. The phone line remained open for no less than ten minutes and was monitored throughout this time. The only party to call into the hearing was the respondent tenant. The tenant stated that had solely received the landlord's application and Notice of Hearing.

### Analysis and Conclusion

Following the ten minute waiting period, the application of the landlord was / has been **dismissed, *without leave to reapply***.

It must be noted the landlord filed this application on April 12, 2017, the same day a previous application of the landlord was *dismissed with leave to reapply*. Given that Decision the status of the tenant's security deposit was not then determined. The tenant has provided that the landlord still retains the deposits of the tenant in trust totaling \$687.00 (\$487.00 security deposit and \$200.00 pet damage deposit).

**Residential Tenancy Policy Guideline #17**, in relevant part to this matter states as follows:

### **RETURN OR RETENTION OF SECURITY DEPOSIT THROUGH DISPUTE RESOLUTION**

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 dispute resolution for its return.

In this matter the landlord requested to keep the security deposit in partial satisfaction toward their monetary claim. Because the claim has been dismissed in its entirety without leave to reapply it is appropriate that I Order the return of the tenant's security deposit. I so Order and;

**I grant** the tenant a Monetary Order in the sum amount of **\$687.00**. If necessary, this Order may be registered in the Small Claims Court and enforced as an Order of that Court.

**This Decision is final and binding.**

*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 12, 2017

---

Residential Tenancy Branch