



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, FF

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. An Order to retain the security deposit - Section 38; and
3. An Order to recover the filing fee for this application - Section 72.

This matter was set for a conference call hearing at 1:00 p.m. on this date. The line remained open while the phone system was monitored for ten minutes. The only participant who called into the hearing during this time was the Tenant who was ready to proceed. As the Landlord failed to attend the hearing to pursue its application I dismiss the Landlord’s application without leave to reapply.

The Tenant confirms that it paid the Landlord \$650.00 as a security deposit at the outset of the tenancy on August 1, 2013 and that the tenancy ended on April 30, 2017. The Landlord’s evidence provided for this hearing indicates that the Parties mutually conducted a move-in and move-out inspection with the report completed. The Tenant confirms that his partner attended the move-out inspection on behalf of the Tenant. The Tenant asks for the return of the security deposit. The Tenant confirms that it has not made any application for its return and does not seek return of double the security deposit.

Policy Guideline #17 provides that the security deposit will be ordered returned on a landlord's application to retain all or part of the security deposit whether or not the tenant has made an application for its return. As the Landlord's claim against the security deposit has been dismissed and as the Tenant participated in both the condition inspections I find that the Tenant is entitled to its return. As the Tenant waives its right to claim double the security deposit I find that the Tenant is entitled to return of the security deposit plus zero interest of **\$650.00**.

I grant the Tenant an order under Section 67 of the Act for **\$650.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

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: October 23, 2017

Residential Tenancy Branch