



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNDC, MNSD, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, a monetary order for unpaid rent, for damages to the unit or property, for money owed or compensation for damage or loss, for an order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee.

This matter was set for hearing by telephone conference call at 9:30 A.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the landlord did not attend the hearing by 9:40 A.M, and the tenant appeared and was ready to proceed, I dismiss the landlord's claim without leave to reapply.

The tenant stated that they attempted to settle this matter with the landlord prior to the hearing; however, no final agreement was reached. The tenants seek the return of their security deposit.

As I have dismissed the landlord's application to retain any portion of the tenants' security deposit, I find it appropriate to make the following order.

I order the landlord to return to the tenants' their security deposit in the amount of \$1,100.00. Should the landlord fail to comply with my order, I grant the tenants' a monetary order. This order may be enforced in the British Columbia Provincial Court (Small Claims division). The **landlord is cautioned** that costs of such enforcement are recoverable from the landlord.

Conclusion

The landlord's application is dismissed. The tenants are granted a monetary order for the return of their security 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: October 04, 2017

Residential Tenancy Branch