



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing was scheduled for 1:30 p.m. on this date to hear the landlord's application to retain the tenants' security deposit and/or pet damage deposit of \$1,400.00. The tenants appeared or were represented at the hearing; however, the landlord did not appear despite leaving the teleconference call open until 1:43 p.m.

The tenant confirmed receipt of the landlord's Application for Dispute Resolution and indicated the tenants were prepared to respond to the landlord's claim. Since the landlord failed to appear and the tenants appeared and were prepared to respond to the claim against them, I dismiss the landlord's application without leave to reapply.

The tenant confirmed that the security deposit and pet damage deposit totalled \$1,400.00 and that the landlord has not yet refunded the deposits to the tenants. The tenant confirmed that the tenants participated in a move-in inspection of the rental unit with the former landlords and the move-out inspection with the current landlord. The tenant confirmed that the landlord was not given any authorization to retain the deposits and a forwarding address was provided to the landlord by way of a letter posted to the door of the rental unit/landlord's residence on May 2, 2017. I confirmed with the tenant that the forwarding address provided to the landlord in the letter is the same as that appearing on the landlord's Application for Dispute Resolution.

In keeping with Residential Tenancy Policy Guideline 17: *Security Deposit and Set-Off*, having dismissed the landlord's application to retain the deposits, and having been provided no evidence to suggest the tenants extinguished their right to return of the deposit, I find the landlord has no right to continue to hold the tenants' deposits and I order the landlord to return the full amount of the deposits to the tenants without further delay. To ensure payment is made by the landlord, I provide the tenants with a Monetary Order in the amount of \$1,400.00 to serve and enforce upon the landlord.

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