



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNR MNSD FF O

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order to retain the security or pet deposit pursuant to section 38 of the *Act*;
- a Monetary Order pursuant to section 67 of the *Act*;
- a return of the Filing Fee pursuant to section 72 of the *Act*; and
- other unspecified orders.

While the Respondent attended the hearing by way of conference call, the Applicant did not, although I waited until 1:40 P.M. in order to enable the Applicant to connect with this teleconference hearing scheduled for 1:30 P.M.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the dispute resolution proceeding - The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Analysis

In the absence of the applicant's participation in this hearing, I dismiss the landlord's application without liberty to reapply.

Residential Tenancy Policy Guideline #17 states, "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 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.

As no evidence was presented by the landlord regarding their application to retain the tenant's security deposit, the landlord is directed to return the security deposit to the tenant.

Conclusion

The landlord's application for a monetary award is dismissed without leave to reapply.

The landlord's application for a return of the filing fee is dismissed without leave to reapply.

The landlord is ordered to return the security deposit in its entirety to the tenant.

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: November 22, 2017

Residential Tenancy Branch