



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING DECISION

Dispute Codes MNSD, FF, FFL, MNDL-S, MNRL-S

Introduction

The tenant's original application # 862703 sought the following:

- authorization to obtain a return of all or a portion of their security deposit pursuant to section 38.
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*.

The landlords' application seeks the following:

- a monetary order for compensation for unpaid rent, damages and loss under the *Act*, regulation or tenancy agreement; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*.

These files were before me today as a result of the landlord being successful in their Review Consideration application against the tenants file # 862703 and the landlord filing their own separate application #31002393. For the sake of efficiency and clarity, both files were scheduled and heard on this day. The tenant participated in the teleconference, the landlord did not. The landlord initiated the process and served the tenant with the Notice of Hearing documents for both matters. The tenant testified that she received the Notice of Hearing package from the landlord for today's hearing but did not receive any documentary evidence. I am satisfied that the landlord was fully aware of today's date, accordingly the hearing proceeded and completed in their absence.

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply. As the landlord has chosen not to participate in this teleconference and present their evidence, I hereby dismiss their application in its entirety without leave to reapply.

Issue(s) to be Decided

Should the original decision #862703 be set aside, confirmed or amended?

Background and Evidence

The tenant testified to the following. The tenant testified that the tenancy began on April 1, 2016 and ended on August 31, 2016. The tenant testified that she paid a \$500.00 security deposit and a \$500.00 pet deposit. The tenant testified that the landlord still holds those deposits and that none of it has been returned. The tenant testified that she had originally agreed to a one year fixed term tenancy but she and the landlord agreed that it could end without any penalty on August 31, 2016. The tenant testified that despite the landlord submitting a copy of an email that supposedly states that she relinquished her deposit to the landlord; the tenant testified that she has not been given a copy of that email and questions the validity of it. The tenant testified that she gave her forwarding address in writing to the landlord on April 24, 2017. The tenant testified that she asks that the order granting her the return of double her deposits and the filing fee be confirmed. The tenant asks that the decision and \$2100.00 monetary order be confirmed from October 31, 2017.

Analysis

I have reviewed the documentation and the original decision and order. Based on the documentation before me, the testimony of the tenant, and in the absence of any disputing testimony from the landlord, I hereby confirm the original decision and order from October 31, 2017.

Conclusion

The original decision and order for file #862703 dated October 31, 2017 is confirmed.

The landlords application; file #31002393 is dismissed in its entirety without leave to reapply.

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: June 05, 2018

Residential Tenancy Branch