



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      FFL, MNDL-S

### Introduction

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

- a monetary order for money owed or compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement, pursuant to section 67;
- authorization to retain the tenant's security deposit in partial satisfaction of the monetary order requested, pursuant to section 38; and
- an order authorizing the landlord the recovery of the filing fee for this application from the tenant pursuant to section 72.

The hearing was conducted via teleconference and was attended by the tenant, but not the landlord. The landlord initiated this process by filing this application. I am satisfied that the landlord was fully aware of today's hearing, therefore, I continued in the absence of the landlord

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 is the applicant and they chose not to dial in, I hereby dismiss their application in its entirety without leave to reapply.

The tenant testified that he provided his forwarding address in writing in April 2018 and that the landlord has still not returned his \$1150.00 security deposit. The landlords' own documentary evidence reflects and confirms the amount and that it has not yet been returned to the tenant. As the landlord has filed to retain the deposit, and as I have dismissed his application to do so, the deposit is to be returned to the tenant.

Conclusion

The landlords' application is dismissed in its entirety without leave to reapply. The landlord is to return the \$1150.00 security deposit to the tenant.

I grant the tenant an order under section 67 for the balance due of \$1150.00. 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 30, 2018

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Residential Tenancy Branch