



# 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:

- authorization to retain the tenant's security deposit in partial satisfaction of the monetary order requested, pursuant to section 38; and
- authorization to recover the filing fee for its application from the tenant, pursuant to section 72.

This matter was scheduled for a conference call at 1:30 p.m. on this date. The tenant participated in the teleconference, the landlord did not. The line remained open until 1:40 p.m. to allow the landlord to participate. The landlord is the applicant in this matter. 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.

### Issues to Decide

Is the landlord entitled to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary award requested?

Is the landlord entitled to recover the filing fee for this application from the tenant?

### Background, Evidence

The tenant's undisputed testimony is as follows. The tenancy began on March 1, 2017 and ended on February 1, 2018. The tenants were obligated to pay \$1500.00 per month in rent in advance and at the outset of the tenancy the tenants paid a \$750.00 security deposit and \$750.00 pet deposit. The tenant testified that the property manager told her that she would be getting her deposits back. The tenant testified that she is asking for the return of her security and pet deposit.

### Analysis

As the landlord is the applicant in this matter and chose not to dial in to participate in the teleconference, I hereby dismiss their application in its entirety without leave to reapply. The landlord is to return the \$1500.00 in deposits.

### Conclusion

The tenants are entitled to the return of both of their deposits. I grant the tenants an order under section 67 for the balance due of \$1500.00. 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: September 14, 2018

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Residential Tenancy Branch