



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD FFT

### Introduction

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

- the return of the security deposit pursuant to section 38 of the *Act*; and
- recovery of the filing fee for this application from the landlord pursuant to section 72 of the *Act*.

Neither party attended at the appointed time set for this hearing, although I waited 10 minutes to enable them to participate in this hearing scheduled for 1:30 p.m.

I note that on June 8, 2018, a dispute resolution hearing was held and attended by both parties in relation to an application for dispute resolution by the landlord seeking compensation for damages and to retain the security deposit in satisfaction of those damages. The file number for the Decision pertaining to that hearing, dated June 27, 2018, is noted on the cover sheet of this Decision.

The tenants submitted an application seeking the return of the security deposit, however, the application was not submitted far enough in advance to be scheduled as a cross-application to be heard with the landlord's application. Therefore, the tenants' application was scheduled to be heard at this hearing.

However, the issue of the security deposit was conclusively addressed through the landlord's application at the June 8, 2018 hearing, as explained in the Decision dated June 27, 2018.

As such, this hearing pertaining to the tenants' application to retain the security deposit is now moot as the matter was already conclusively decided at the June 8, 2018 hearing.

Accordingly, I order this application dismissed without leave to reapply as the final and binding decision issued on June 27, 2018 remains in effect.

Conclusion

The tenants' application is dismissed without leave to reapply. The final and binding decision issued on June 27, 2018, pertaining to the security deposit associated with this tenancy agreement remains in effect.

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 15, 2018

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Residential Tenancy Branch