



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL –S, FFL

Introduction

This hearing was scheduled to deal with a landlord's application for a Monetary Order for damage to the rental unit and authorization to retain the tenants' security deposit, via teleconference call. The tenant appeared at the hearing; however, the landlord did not appear despite leaving the teleconference call open at least 20 minutes so as to give the landlord sufficient opportunity to appear.

Since the landlord did not appear at the hearing to present her case against the tenants, I dismissed the landlord's application in its entirety without leave to reapply.

The tenant requested the security deposit be returned to him; however, it was unclear to me as to whether the tenants had provided the landlord with a forwarding address in writing based on the evidence before me. I declined to issue a Monetary Order to the tenants with this decision. The tenant was informed of his obligation to give the landlord a forwarding address in writing before requesting return of the security deposit. The tenant indicated that he would proceed to send his forwarding address to the landlord. Since the landlord's claims against the tenants are dismissed, the landlord has 15 days after receiving the tenant's forwarding address to refund the tenant's security deposit in order to comply with section 38 of the Act. If the landlord fails to do so, the tenants may make their own Application for Dispute Resolution and request return of double the security deposit.

Conclusion

The landlord's application is dismissed without leave to reapply due to failure to appear at the hearing.

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: December 21, 2018

Residential Tenancy Branch