



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FFT

Introduction

I was designated to hear this matter pursuant to section 58 of the *Residential Tenancy Act* (the Act). The tenant applied for:

- authorization to obtain a return of double the value of their security deposit pursuant to section 38; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The Respondent called into this teleconference hearing at the date and time set for the hearing of this matter. The Applicant did not, although I waited until 1:48 p.m. to enable them to connect with this teleconference hearing scheduled for 1:30 p.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Respondent and I were the only persons who had called into this teleconference.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

The landlord confirmed that they have not returned any portion of the \$1,100.00 security deposit paid by the tenant when this tenancy began. They also confirmed that they have not received any written authorization from the tenant to retain any portion of the security deposit for this tenancy. The landlord also confirmed that they received the tenant's forwarding address in writing, sent by the tenant by registered mail on March 20, 2019.

Residential Tenancy Branch Policy Guideline 17 reads in part as follows:

1. The arbitrator will order the return of a security deposit, or any balance remaining on the deposit, less any deductions permitted under the Act, on:

- a landlord's application to retain all or part of the security deposit; or*
- a tenant's application for the return of the deposit. unless the tenant's right to the return of the deposit has been extinguished under the Act.*

The arbitrator will order the return of the deposit or balance of the deposit, as applicable, whether or not the tenant has applied for dispute resolution for its return...

As the tenant did not attend the hearing, I dismiss the tenant's application for a monetary award equivalent to double the security deposit without leave to reapply.

Pursuant to Policy Guideline 17 and section 38 of the *Act*, I order the landlord to return the tenant's \$1,100.00 security deposit.

Since the tenant did not attend the hearing, the return of their security deposit is the only monetary award I issue with respect to this application.

Conclusion

The tenant's application for a monetary award for double the value of their security deposit and for the recovery of their filing fee is dismissed without leave to reapply.

I order the landlord to return the tenant's \$1,100.00 security deposit forthwith. The tenant is provided with these Orders in the above terms and the landlord must be served with this Order as soon as possible. Should the landlord fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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 22, 2019

Residential Tenancy Branch