



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR OPC MNR MNSD FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The Landlord applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

This matter was set for hearing by telephone conference call at 9:30 AM (Pacific Time) on March 6, 2020. The Tenant/Respondent attended the teleconference hearing and was ready to proceed; however, the Landlord/Applicant did not attend. The line remained open while the phone system was monitored for ten minutes and the Landlord/Applicant did not call in during this time. Therefore, as the Applicants did not attend the hearing by 9:40 AM, **I dismiss the claim, in full, without leave to reapply.**

Given the Landlord's application against the Tenant's security deposit is dismissed, without leave to reapply, I turn to the following portion of Policy Guideline #17:

C. RETURN OR RETENTION OF SECURITY DEPOSIT THROUGH DISPUTE RESOLUTION

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.

There is no evidence before me to show that the Tenant extinguished her right to claim against the deposit. I note the Tenant stated she paid a security deposit in the amount of \$1,050.00, which is consistent with the tenancy agreement uploaded. As the Landlord has

not returned this deposit, and her application against the deposit has been dismissed as part of this hearing, I order the Landlord return the deposit, in full.

I issue a monetary order in favour of the Tenant for \$1,050.00

Conclusion

The Tenant is granted a monetary order pursuant to Section 67 in the amount of **\$1,050.00**. This order must be served on the Landlord. If the Landlord fails to comply with this order the Tenant may file the order in the Provincial Court (Small Claims) and be 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: March 06, 2020

Residential Tenancy Branch