



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNSD FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. A participatory hearing was held on May 4, 2020. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for damage caused by the Tenants;
- permission to retain the security deposit; and,
- to recover the filing fee for the cost of this application.

The Tenants attended the hearing. However, the Landlord did not. The hearing began promptly as scheduled at 1:30 p.m. Pacific Time on May 4, 2020, as per the Notice of a Dispute Resolution Hearing provided to the Landlord. The line remained open while the phone system was monitored for 10 minutes and the only participants who called into the hearing during this time were the Tenants who were ready to proceed.

After the ten minute waiting period, the applicant/landlord did not appear and therefore his application was **dismissed in full, without leave to reapply**.

The Tenants stated that the Landlord still holds their security deposit, totalling \$525.00. The Tenants stated that they never agreed the Landlord could retain any of their deposit, and despite giving their forwarding address in writing (via the condition inspection report), the Landlord never returned the deposit. I turn to the following Residential Tenancy Policy Guideline #17 - Security Deposit and Set off

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*

Given the above, I order the Landlord to return the security deposit, in the amount of \$525.00, as his application to retain the deposit is dismissed, without leave to reapply.

Conclusion

The Landlord's application has been dismissed in full, without leave to reapply as the Landlord failed to attend the hearing.

The Tenants are granted a monetary order pursuant to Section 38 and 67 in the amount of **\$525.00**. 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: May 5, 2020

Residential Tenancy Branch