



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **FFL, MNDL-S**

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for a monetary order for compensation for damage caused by the tenant, their pet or guest to the rental unit, to keep the security deposit and to recover the cost of the filing fee.

This matter was set for hearing by telephone conference call at 1:30 P.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the tenant. Therefore, as the landlord did not appear to provide any testimony in support of their application by 1:40 P.M, and the tenant appeared and was ready to proceed, I dismiss the landlord's claim without leave to reapply.

Since I have dismissed the landlord's application, I find the landlord no longer has any authority under the Act to retain the tenant's security deposit of \$382.50. **I Order** the landlord to return to the tenant the full amount of their security deposit forthwith. I grant the tenant a monetary order in the amount of \$382.50, pursuant to section 67 of the Act. Should the landlord fail to return the security deposit as I have Ordered the tenant may enforce this Order in the Provincial Court (Small Claims). The **landlord is cautioned** that costs of such enforcement are recoverable from the landlord.

Conclusion

The landlord's application is dismissed without leave to reapply. Since the landlord no longer has the authority under the Act to retain the tenant's security deposit. I Order the landlord to return to the tenant the full amount of their security deposit forthwith.

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: July 13, 2021

Residential Tenancy Branch