



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDS-DR

Introduction

This hearing dealt with the Tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for the return of double the Tenant's \$425.00 security deposit that the Tenant said the Landlord is holding without cause ("Application").

The Tenant and her advocate, A.M. ("Advocate"), attended the hearing; however, no one attended on behalf of the Landlord. I started to ask the Advocate how the Tenant served the Landlord with the Notice of Hearing documents; however, at that point, the Advocate said that the Landlord paid the Tenant the amount that she seeks in this Application, and accordingly, the Tenant wishes to withdraw her Application.

The Tenant said that the Landlord paid her the \$850.00 owing under the Act via two cheques, with the second cheque arriving on the business day prior to this hearing. The Tenant said that her bank holds cheques for five days before releasing the funds, and therefore, the Tenant is not 100% sure that she has, in fact, received sufficient funds from the Landlord in this matter.

I advised the Tenant and Advocate that I would consult Residential Tenancy Branch Policy Guidelines and Rules of Procedure to determine if I could allow the Tenant to withdraw her Application with leave to reapply, should she need to reapply, because the Landlord's second cheque does not clear. However, my research indicates that when a party withdraws an application, it concludes the hearing, and that the matter is dismissed without leave to re-apply. Accordingly, I must dismiss this matter without leave to reapply.

Nevertheless, if the Landlord's second cheque does not clear at the Tenant's bank, the Tenant may apply for this amount through the British Columbia Civil Resolution Tribunal (call 1-844-322-2292).

Conclusion

The Tenant's Application for the return of double her \$425.00 security deposit from the Landlord was withdrawn by the Tenant, and therefore, is dismissed without leave to reapply to the RTB in this matter.

This Decision is final and binding on the Parties, unless otherwise provided under the Act, and 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: August 23, 2021

Residential Tenancy Branch