Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Disputes Codes   MNSD, MNR, MND, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for a monetary for unpaid rent, for damage to the rental unit, to retain the security deposit and for money owed or compensation for damage or loss and for recovery of the filing fee.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order and to recover the filing fee?

Background and Evidence

This matter was set for hearing at 9:30 a.m. on this date. The applicant/Landlord failed to call into the conference call hearing by 9:44 a.m. The *Residential Tenancy Branch Rules of Procedure* state:

> *Commencement of the dispute resolution proceeding*
>
> *The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Dispute Resolution Officer. The Dispute Resolution Officer may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.*

The Tenant testified and supplied evidence that she paid a security deposit of $375.00 at the start of the tenancy. However, despite giving the Landlord her written forwarding address at the end of the tenancy, the Landlord has not returned the Tenant's security deposit.

Analysis

In the absence of an appearance by the applicant/Landlord by 9:44 a.m. and in light of an appearance by the respondent/Tenant, I **dismiss** the Landlord's application, **without leave to reapply**.

I find that the Landlord complied with section 38 (1) (a) of the Residential Tenancy Act and the Tenant is not entitled to double her security deposit. However, as I have

dismissed the Landlord's application, I **direct** that the Landlord return to the Tenant the security deposit of **$375.00**.

Under authority of section 67 of the Act, I **grant** the Tenant an order for the amount of **$375.00.**

I am enclosing a monetary order for $375.00 with the Tenant's Decision. This order is a **legally binding, final order**, and it may be filed in the Provincial Court (Small Claims) should the Landlord fail to comply with this monetary order.

Conclusion

The Landlord's application is dismissed, without leave to reapply.

The Tenant is granted a monetary order in the amount of $375.00.

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: August 05, 2011.

Residential Tenancy Branch