



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Mainstreet Equity Corp.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenants' pet damage and security deposits (the deposits) in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

While Respondent JF (the tenant) attended the hearing by way of conference call, the Applicant did not, although I waited until 9:45 a.m. in order to enable the Applicant to connect with this teleconference hearing scheduled for 9:30 a.m.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the dispute resolution proceeding The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator 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.

In the absence of the Applicant's participation in this hearing, I order the application dismissed without liberty to reapply.

The landlord's application included a request for authorization to retain the tenants' deposits. I heard sworn oral testimony from the tenant that the landlord has not returned the tenants' deposits for this tenancy, which began in August 2012. He testified that the security deposit for this tenancy was \$412.50. He said that a pet

damage deposit was also paid for this tenancy. He testified that the overall total of the two deposits still held by the landlord was \$600.00.

As the landlord's application to retain any portion of the deposits is dismissed without leave to reapply, I order the landlords' to return the tenants' deposits plus applicable interest forthwith. No interest is payable over this period.

Conclusion

The landlord's application is dismissed without leave to reapply.

I issue a monetary Order in the tenants' favour in the amount of \$600.00, the amount of their deposits. The tenants are provided with these Orders in the above terms and the landlord must be served with this Order as soon as possible. Should the landlord fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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: September 20, 2013

Residential Tenancy Branch

