



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for a monetary order for loss of rent, for damages to the rental unit, for an order to retain the security deposit and pet damage deposit (the “Deposits”) in partial satisfaction of the claim and to recover the filing fee.

This matter commenced on June 11, 2019, the interim decision should be read in conjunction with this decision.

At the reconvene hearing on July 26, 2019, only the tenant and the tenant’s witness appeared.

This matter was set for hearing by telephone conference call at 9:30 A.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 attend the hearing by 9:40 A.M, and the tenant and the tenant’s witnesses appeared and were ready to proceed, I dismiss the landlord’s claim without leave to reapply.

As I have dismissed the landlord’s application, I find the landlord has no legal right under the Act, to retain the security deposit of \$437.50 and pet damage deposit of \$437.50. Therefore, I Order the landlord to return the Deposits to the tenant forthwith.

Should the landlord failed to comply with my Order; I grant the tenant a monetary order in the total amount of \$875.00. This order may be enforced in the Provincial Court (Small Claims). The landlord **is cautioned** that costs of such enforcement are recoverable from the landlord.

Conclusion

The landlord failed to attend. The landlord's application is dismissed. The landlord no longer has the authority under the Act to retain the tenant's Deposits. The tenant is granted a monetary order for the return of the Deposits should the landlord fail to return the deposits as ordered.

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 26, 2019

Residential Tenancy Branch