

Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: MNS FF

Introduction

This hearing dealt with an application for the return of double a security deposit. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on November 17, 2008, the landlord did not participate in the conference call hearing.

Issue(s) to be Decided

Are the tenants entitled to the return of double their security deposit?

Background and Evidence

The undisputed facts before me are as follows. The tenancy began on or about July 1, 2007 and ended on September 28, 2008. At the outset of the tenancy the landlord collected a security deposit of \$550.00. On October 20, the tenants sent the landlord their forwarding address in writing and requested the return of the security deposit. On November 17 the landlord sent a cheque to the tenants for \$343.36 accompanied by a letter in which he stated that a deduction had been made for an allegedly unpaid water bill. The tenants did not agree to this deduction. As of the date of the hearing, the tenants had not attempted to negotiate the landlord's cheque.

Analysis

Section 38(1) of the Act provides that the landlord must return the security deposit or apply for dispute resolution within 15 days after the later of the end of the tenancy and

the date the forwarding address is received in writing. I find the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenants' forwarding address and is therefore liable under section 38(6) which provides that the landlord must pay the tenants double the amount of the security deposit.

The landlord currently holds a security deposit of \$550.00 and is obligated under section 38 to return this amount together with the \$12.42 in interest which has accrued to the date of this judgment. The amount that is doubled is the base amount of the deposit.

Conclusion

I grant the tenants an order under section 67 for \$1,162.42, which sum includes the double security deposit, interest and the \$50.00 filing fee paid to bring this application. This order may be filed in the Small Claims Court and enforced as an order of that Court. If the cheque provided by the landlord is negotiable, the tenants may apply that amount towards satisfaction of the order.

Dated: December 29, 2008