



Dispute Resolution Services

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

Decision

Dispute Codes: MNSD FF

This hearing dealt with an application by the tenant for a monetary order for the amount of the security deposit, applicable accrued interest, double the security deposit, and recovery of the filing fee for the cost of the application.

The tenancy began on September 1, 2004. The tenant paid a security deposit of \$300.00 on August 3, 2004. The tenancy ended on October 31, 2008. The tenant provided the landlord with her written forwarding address on September 28, 2008. The tenant said that since then, she has received a partial refund of her security deposit in the amount of \$191.72 but she did not consent to the landlord making any deductions from her security deposit. The landlord has not applied for dispute resolution.

Section 38 of the Residential Tenancy Act requires that 15 days after the later of the end of tenancy and the tenant providing the landlord with a written forwarding address, the landlord must repay the security deposit unless she has written consent from the tenant to retain it. Or, the landlord must make an application for dispute resolution. If the landlord fails to do so, then the tenant is entitled to recovery of double the base amount of the security deposit. I find that the tenancy ended on October 31, 2008, and that the tenant provided her forwarding address in writing on September 28, 2008. I also find that the landlord had failed to obtain consent from tenant to retain part of her security deposit; repay the

security deposit in full; or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address in writing.

I find that the tenant has established a claim for the security deposit of \$300.00, accrued interest of \$10.45, and double the base amount of the security deposit in the amount of \$300.00, for a total of \$610.45. The tenant is also entitled to recover the \$50.00 filing fee for this application. Since the tenant has already received a partial return of her security deposit in the amount of \$191.72, I grant her an order under section 67 for the balance due of \$468.73. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: December 17, 2008