



Dispute Resolution Services

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

Decision

Dispute Codes: MNDC MNSD FF

Introduction

This hearing dealt with the tenant's application for a monetary order for return of his security deposit, the applicable interest and double the base amount of the security deposit. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on November 11, 2008, the landlord did not attend the conference call hearing.

Issue to be Decided

Whether the tenant is entitled to return of his security deposit, the applicable interest and double the base amount of the security deposit?

Background and Evidence

The tenancy began on June 1, 2006. The tenant paid a security deposit of \$725.00 on the same day. The tenancy ended on June 30, 2008. On August 14, 2008, the landlord's application for dispute resolution for a monetary order for damages was dismissed and he was ordered to return the tenant's security deposit and interest in full. On September 19, the landlord returned only a portion of the tenant's security deposit in the amount of \$520.06.

The tenant is seeking a monetary order for return of his security deposit, the applicable

interest and double the base amount of the security deposit.

Analysis

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 or 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. In this case, the landlord did apply for dispute resolution and a decision was subsequently issued. Therefore, the tenant is not entitled to recovery of double the base amount of the security deposit.

The tenant is entitled to recover the \$50.00 filing fee for this application. I order the tenant retained the landlord's check dated September 19 for the amount of \$520.06 and I grant the tenant an order under section 67 for the balance due of \$278.37. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: December 08, 2008