



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. Despite having been served the notice of hearing and application for dispute resolution by registered mail on October 21, 2008, the landlord did not attend the hearing.

The tenancy began on August 1, 2007. The tenant paid a security deposit of \$715.00 on July 15. The tenancy ended on September 9. The tenant provided the landlord with her written forwarding address on August 30 and again on September 8. On September 8, the tenant gave permission for the landlord to retain \$95.00 for carpet cleaning. The landlord has not returned the balance of the security deposit in the amount of \$620.00 or 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 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. I find that the tenancy ended on September 9, and that the tenant provided her forwarding address in writing on that date. I further find that the landlord has failed to repay the security deposit 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 \$620.00, accrued interest of \$12.92, and double the base amount of the security deposit in the amount of \$620.00, for a total of \$1252.92. The tenant is also entitled to recover the \$50.00 filing fee for this application. I grant the tenant an order under section 67 for the balance due of \$1302.92. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: December 1, 2008