



# **Dispute Resolution Services**

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

## **Decision**

**Dispute Codes:** MNSD FF

## **Introduction**

Documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

## **Issue(s) to be Decided**

This is a request for an order for the return of the Double the security deposit.

## **Background Evidence and analysis**

The landlord has not returned the tenants full security deposit or applied for dispute resolution to keep any or all of tenant's security deposit and the time limit in which to apply is now past.

The Residential Tenancy Act states that, if the landlord does not either return the security deposit or apply for dispute resolution within 15 days after the later of the date

the tenancy ends or the date the landlord receives the tenants forwarding address in writing, the landlord must pay the tenant double the amount of security deposit.

This tenancy ended on October 18, 2008 and the landlord had a forwarding address in writing by October 23, 2008 and there is not sufficient evidence to conclude that the tenant's right to return of the deposit has been extinguished.

The landlord claims that the tenant failed to participate in a move out inspection; however the tenant denies the claim and claims that the landlord never offered to do a move out or move in inspection. The landlord has the burden of proving that an opportunity to do a move out inspection was offered to the tenants and when it is just the landlord's word against the word of the tenant the burden of proof is not met.

Therefore, I am required to order that the landlord must pay double the amount of the non-returned portion of the security deposit (\$837.99) to the tenant.

$\$837.99 \times 2 = \$1675.98$  plus \$9.33 interest for a total of \$1685.31

### **Conclusion**

I have issued an order for the respondents to pay \$1685.31, plus the filing fee of \$50.00 for a total of \$1735.31 to the applicants.

Dated: December 22, 2008

