



Dispute Resolution Services

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

Decision

Dispute Codes: MNSD

This hearing dealt with an application by the tenant for a monetary order for return of her security deposit, the applicable interest and double the base amount of the security deposit. Despite having been served the notice of hearing and application for dispute resolution by registered mail on October 31, 2008, the landlord did not attend the hearing.

The tenancy began on July 9, 2004. The tenant paid a security deposit of \$201.50 on July 8, 2004. The tenancy ended on September 26, 2008. On October 10, the landlord issued a check to the tenant for the amount of \$96.10 as refund of the tenant's security deposit. An accompanying invoice stated that a total of \$112.25 was deducted from the tenant's security deposit and interest to address costs associated with cleaning the rental unit. The tenant said that she did not consent to these deductions. On October 31, the tenant provided the landlord with her written forwarding address. The landlord has not returned the security deposit 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 26, 2008, and that the tenant provided her forwarding address in writing on October 31. 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 \$201.50, accrued interest of \$6.90, and double the base amount of the security deposit in the amount of \$201.50, for a total of \$409.90. I order the tenant to retain the partial refund of the security deposit in the amount of \$96.10 and I grant the tenant an order under section 67 for the balance due of \$313.80. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: December 04, 2008