

DECISION

Dispute Codes: MNSD, FF

This hearing dealt with an application by the tenants 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 July 1, 2004. The tenants paid a security deposit of \$775.00 on the same day. The tenancy ended on August 31, 2008. The tenants provided the landlord with their written forwarding address on September 23. On September 24, the landlord returned to the tenants, a partial refund of their security deposit in the amount of \$577.00. The landlord has not applied for dispute resolution and the tenants did not agree with the deductions made by the landlord.

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 in full 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 August 31, 2008, and that the tenants provided their forwarding address in writing on September 23. I further find that the landlord has failed to repay the security deposit in full or make an application for dispute resolution within 15 days of receiving the tenants' forwarding address in writing.

I find that the tenants have established a claim for the security deposit of \$775.00, accrued interest of \$27.45 and double the base amount of the security deposit in the amount of \$775.00, for a total of \$1577.45. The tenants are also entitled to recover the \$50.00 filing fee for this application. I order the tenants to retain the partial refund of their security deposit of \$577.00 and I grant the

tenants an order under section 67 for the balance due of \$1050.45. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated January 27, 2009.