



Dispute Resolution Services

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

Decision

Dispute Codes: MNSD FF

Introduction

This hearing dealt with an application from the tenants for a monetary order requiring double the return of the security deposit, and recovery of the filing fee for this application. One of the two tenants participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the landlord did not attend the hearing.

Issue to be Decided

- Whether the tenants are entitled to a monetary order under the *Act*

Background and Evidence

Pursuant to a written residential tenancy agreement the tenancy began on July 1, 2008. Rent in the amount of \$825.00 was payable in advance on the first day of each month. At the outset of the tenancy the landlord collected a security deposit from the tenants in the amount of \$412.00. The tenant informed the landlord in writing toward the end of September 2008 of their intention to vacate the unit by the end of October 2008. In this letter the tenant also informed the landlord of their forwarding address. Subsequently, the tenants vacated the unit on or around October 4, 2008 but paid rent up to the end of October 2008.

By way of telephone in mid November 2008, the tenant made a follow-up inquiry of the landlord with respect to return of the security deposit. The landlord dismissed the inquiry and the security deposit has still not been returned.

Analysis

Section 38 of the *Act* provides, in part, that a landlord must return a tenant's security deposit plus interest within 15 days after the later of the end of tenancy or the date the landlord receives the tenant's forwarding address in writing; in the alternative, a landlord may make application for dispute resolution claiming against the security deposit. In the event the landlord does neither of the above, the *Act* requires the landlord to pay the tenant double the amount of the security deposit.

Based on the documentary evidence and undisputed testimony of the tenant, I find that the tenant has established a claim for double the return of the security deposit in the amount of \$824.00 plus interest of \$3.43 (total: \$827.43). The tenant is also entitled to recovery of the \$50.00 filing fee. I therefore grant the tenant a monetary order under section 67 of the *Act* for **\$877.43** (\$827.43 + \$50.00).

Conclusion

I hereby grant the tenant a monetary order under section 67 of the *Act* for **\$877.43**. Should the landlord fail to comply, this order may be served on the landlord, filed in the Small Claims Court and enforced as an order of that Court.

Dated: January 8, 2009

