



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: MNSD &FF

Introduction:

This hearing dealt with an application by the tenant for the return of double her security deposit plus interest. Both parties appeared for the hearing and were provided the opportunity to be heard and respond to the evidence of the other party.

Issue to be Determined:

Is the tenant entitled to double the return of her security deposit plus interest? Is the tenant also entitled to the return of her pet deposit?

Background and Evidence:

This tenancy began on September 1, 2008 for the monthly rent of \$950.00. The tenant paid a security deposit of \$475.00 and a pet deposit of \$200.00 on August 27, 2008. The tenancy ended effective November 30, 2008.

The landlord did not conduct written move-in or move-out condition inspection reports and acknowledged that she received the tenant's forwarding address in writing on November 29, 2008.

The landlord stated that she did not return the tenant's deposits on the basis that the tenant failed to provide at least 30 days notice to vacate.

Analysis:

The tenant's application is granted. Based on the evidence before me I am satisfied that the landlord failed to comply with the *Act*. The landlord was required to return the tenant's deposits within 15 days after receiving the tenant's forwarding address or the end of the tenancy (whichever was the later). Alternatively, the landlord had to file an application for dispute resolution requesting to retain the tenant's deposits.

Section 38(6) of the *Act* states that a landlord fails to comply with subsection (1), then the landlord must pay the tenant double their deposits plus interest. I also grant the tenant's request to recover the filing fee paid for this application from the landlord.

I grant the tenant a monetary Order for the sum of **\$1,403.51** comprised of double the tenant's deposits for \$1,350.00, \$3.51 in accumulated interest plus the \$50.00 filing fee. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion:

The tenant's application is granted. I have determined that the landlord failed to return the tenant's pet and security deposits in accordance with section 38 of the *Act*.

Dated February 12, 2009.

Dispute Resolution Officer