



# 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 by the tenant 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 tenant and both landlords attended the teleconference hearing.

## Issue(s) to be Decided

Is the tenant entitled to recovery of the security deposit?

## Background and Evidence

The tenancy began on March 1, 2008. The tenant paid a security deposit of \$725 on March 1, 2008. The tenancy ended on November 30, 2008. The tenant provided the landlord with her written forwarding address on December 17, 2008. The tenant acknowledged that she owed \$105.94 for outstanding hydro. The landlord has not returned the security deposit or applied for dispute resolution.

## Analysis

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.

In this case, the tenancy ended on November 30, 2008, and that the tenant provided

her forwarding address in writing on December 17, 2008. 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 balance of the security deposit of \$619.06, accrued interest of \$9.04, and double the balance of the security deposit in the amount of \$619.06, for a total of \$1247.16. The tenant is also entitled to recover the \$50 filing fee for this application.

### Conclusion

I grant the tenant an order under section 67 for the balance due of \$1297.16. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated March 6, 2009.