

DECISION

Dispute Codes: MNSD, FF

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. Despite having been served the notice of hearing and application for dispute resolution by registered mail on January 20, 2009, the landlord did not attend the hearing.

The tenant paid a security deposit of \$450.00 on October 25, 2008. A few days later, the tenant informed the landlord that she no longer wanted to rent the unit and asked for the return of her security deposit. At the time, the landlord said that if he was able to re-rent the unit for November 1, he would return the tenant's security deposit. The tenant confirmed that the landlord was able to re-rent the unit on November 1. She explained that the new tenants are her son's friends.

On December 8, 2008, the tenant provided the landlord with her written forwarding address by registered mail. 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 tenant provided her forwarding address in writing on December 8, 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 security deposit of \$450.00, accrued interest of \$1.25, and double the base amount of the security deposit in the amount of \$450.00, for a total of \$901.25. The tenant is also entitled to recover the \$50.00 filing fee for this application. I grant the tenant an order under section 67 for the balance due of \$951.25. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated March 16, 2009.