

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.

The tenancy began on October 1, 2000. The tenant paid a security deposit of \$317.50 on the same day. The tenancy ended on December 31, 2008. The tenant provided the landlord with her written forwarding address on November 14 and again on December 31, 2008. The tenant agreed to the landlord deducting \$80.00 from her security deposit for carpet cleaning. On January 22, 2009, the tenant received a check dated January 5, 2009 in the amount of \$243.74 as return of her security deposit. However, the check was issued to another person and not to the tenant. The tenant brought this mistake to the attention of the landlord. On February 2, 2009, she received another check dated January 31, 2009 for the same amount.

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 tenancy ended on December 31, 2008, and that the tenant provided her forwarding address in writing on that date. 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 \$237.50, accrued interest of \$22.83, and double the base amount of the security deposit in

the amount of \$317.50, for a total of \$577.83. The tenant is also entitled to recover the \$50.00 filing fee for this application. I order the tenant to retain the \$243.74 and I grant the tenant an order under section 67 for the balance due of \$384.09. This order may be filed in the Small Claims Court and enforced as an order of that Court

Dated March 25, 2009.