



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 an order for the return of double the security deposit and the filing fee.

The notice of hearing dated January 23, 2009 was served on the landlord on January 28, 2009, by registered mail. Despite having been served the notice of hearing, the landlord did not appear at the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

Issue(s) to be Decided

Is the tenant entitled to the return of double the security deposit?

Background and Evidence

The tenancy began on August 15, 2007 and ended on June 01, 2008. At the outset of the tenancy the landlord collected a security deposit of \$525.00. On December 12, 2008 the tenant sent her forwarding address to the landlord by registered mail and has provided verification of the same.

The tenant stated that she contacted the landlord by phone and was told that the landlord would be retaining the entire security deposit towards cleaning of the rental unit. The tenant stated that the unit was cleaned prior to her moving out and she did not make any agreement with the landlord to retain all or part of the security deposit.

Analysis

Section 38(1) of the Act provides that the landlord must return the security deposit or

apply for dispute resolution within 15 days after the later of the end of the tenancy and the date the forwarding address is received in writing.

I find the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address and is therefore liable under section 38(6), which provides that the landlord must pay the tenant double the amount of the security deposit.

The landlord currently holds a security deposit of \$525.00 and is obligated under section 38 to return this amount together with the \$10.92 in interest which has accrued to the date of this judgment. The amount that is doubled is the base amount of the deposit.

Conclusion

I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for **\$1110.92**, which represents double the security deposit, interest and the \$50.00 filing fee paid to bring this application. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated March 26, 2009.

Dispute Resolution Officer