



# 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 tenants for a monetary order for double recovery of their security deposit. One tenant and the landlord participated in the teleconference hearing.

## Issue(s) to be Decided

Are the tenants entitled to double recovery of the security deposit?

## Background and Evidence

The evidence of the tenant was as follows. The tenancy began on November 1, 2008. The tenants paid a security deposit of \$800 on October 27, 2008. The tenants moved out on January 31, 2009 and participated in a move-out inspection with the landlord on February 3, 2009. The tenants provided the landlord with their written forwarding address on that date. The landlord has not returned the security deposit or applied for dispute resolution.

The response of the landlord was as follows. The tenant did not in fact move all, or nearly all, of their belongings out of the rental unit until February 2, 2009. In the landlord's opinion the tenancy ended on that date. On February 3, 2009 the landlord and tenant met to do the move-out inspection and the tenant had not yet removed a large couch from the living room of the rental unit. The landlord asked the tenant to remove the couch and notify her when he had done so, and then they would discuss the return of the security deposit. The tenant did not remove the couch, and the landlord

paid to have it removed on February 15, 2009.

### 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 or before February 2, 2009 and the tenants provided their forwarding address in writing on February 3, 2009. The landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenants' forwarding address in writing. I therefore find that the tenants are entitled to double recovery of the security deposit.

### Conclusion

The tenants are entitled to the security deposit of \$800, accrued interest of \$2.16, and double the base amount of the security deposit in the amount of \$800, for a total of \$1602.16. The tenants are also entitled to recover the \$50 filing fee for this application. I grant the tenants an order under section 67 for the balance due of \$1652.16. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated May 7, 2009.