



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes FF & MNSD

Introduction

Some written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondents were served with notice of the hearing by hand on March 25, 2009 but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for an order for the landlord to pay the tenant double the \$500.00 security deposit for a total of \$1000.00 and a request for an order for the landlord to bear the cost of the \$50 filing fee paid for this hearing.

Total order requested is \$1050.00

Decision and reasons

The landlord has not returned the tenants security deposit and did not apply for dispute resolution to keep any or all of tenant's security deposit, within the time limit set out in the Residential Tenancy Act.



Dispute Resolution Services

Page: 2

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The Residential Tenancy Act states that, if the landlord does not either return the security deposit or apply for dispute resolution within 15 days after the later of the date the tenancy ends or the date the landlord receives the tenants forwarding address in writing, the landlord must pay the tenant double the amount of security deposit.

This tenancy ended on February 28, 2009 and the applicant testified that he served the landlords a forwarding address in writing on March 5, 2009 and yet the landlords did not apply for dispute resolution until April 1, 2009.

Further, there is no evidence to show that the tenant's right to return of the deposit has been extinguished.

Therefore I am required to order that the landlords must pay double the amount of the security deposit to the tenant.

The tenant paid a security deposit of \$500.00 and therefore the landlords must pay the tenant \$1000.00 plus interest of \$.64, for a total of \$1000.64.

I further ordered that the respondents bear the \$ 50.00 cost of the filing fee paid for this hearing.

Conclusion

I've issued an order for the respondents to pay \$1050.64 to the applicant.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.



Dispute Resolution Services

Page: 3

Residential Tenancy Branch
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Dated: May 20, 2009.

Dispute Resolution Officer