



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      FF, & MNSD

### Introduction

A substantial amount of documentary evidence and written arguments has 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 respondent was served with notice of the hearing by registered mail that was mailed on April 22, 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 the return of the security deposit in the amount of \$2200.00

### Background and Evidence

The landlord did not returned the tenant's security deposit or apply for dispute resolution to keep any or all of tenant's security deposit within the time limit set out in the act.

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.



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A Notice to End Tenancy was given on February 16, 2009 and therefore since the tenants never actually moved into this rental unit, this tenancy ended, at the latest, on March 31 2009. The landlord had a forwarding address in writing by March 14, 2009 and there is no evidence to show that the tenant's right to return of the deposit has been extinguished.

Therefore even though the tenant has not applied for double the security deposit, I am required to order that the landlord must pay double the amount of the security deposit to the tenant.

The tenants paid a deposit of \$2200.00 and therefore the landlord must pay \$4400.00. The landlord did return \$2200.00 to the tenant after the tenants had already applied for dispute resolution and therefore there is \$2200.00 still outstanding.

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

## Conclusion

I've issued an order for the respondent to pay \$2250.00 to the applicants.

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*.

Dated: May 29, 2009.

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Dispute Resolution Officer