

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 an order for the return of double their security deposit. The tenants presented evidence showing that they served the landlord with the application for dispute resolution and notice of hearing via registered mail. The tenant's evidence shows that the registered mail was returned unclaimed. I found that the landlord was properly served with application for dispute resolution and notice of hearing and the hearing proceeded.

Issue(s) to be Decided

Are the tenants entitled to the return of double their security deposit?

Background and Evidence

The undisputed facts before me are as follows. The tenancy began on August 1, 2007 and ended on October 30, 2008. At the outset of the tenancy the landlord collected a security deposit of \$330.00. On or about October 30 the tenants gave the landlord their forwarding address in writing via registered mail.

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 \$330.00 and is obligated under section

38 to return this amount together with the \$7.33 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 for \$717.33, which sum includes the double 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.

The tenants had also applied to recover the cost of registered mail. Under the Act, the only litigation-related expense I am empowered to award is the filing fee. Accordingly, the tenants' claim to recover the cost of registered mail is denied.

Dated May 13, 2009.