



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNDC & FF

### Introduction

Some documentary evidence, photo evidence, and written arguments have been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This is a request for an order for the respondent to return the remainder of the security deposit that has been withheld.

### Decision in reasons

The landlord has not returned the tenants full security deposit or applied for dispute resolution to keep any or all of tenant's security deposit and the time limit in which to apply is now past.

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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This tenancy ended on January 31, 2009 and the landlord had a forwarding address in writing by February 13, 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 remaining security deposit to the tenants.

The tenants paid a deposit of \$467.50; however the landlord only returned \$234.06, and therefore the landlord must pay double the remaining \$233.44 to the tenants for a total of \$466.88.

The landlord must also pay interest on the security deposit in the amount of \$16.56.

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

## Conclusion

I have issued an order for the respondent to pay \$533.44 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: June 02, 2009.

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Dispute Resolution Officer