

DECISION

Dispute Codes: MNDC, MNSD

This hearing dealt with an application by the tenant for a monetary order for the amount of the security deposit, applicable accrued interest and double the security deposit.

The tenancy began on December 5, 2008. The tenant paid a security deposit of \$625.00 on the same day. On March 3, 2009, tenant RT was taken away by the police while tenant TM continued the tenancy until end of May. Tenant RT provided the landlord with his written forwarding address on March 31, 2009 by registered mail. The landlord has not returned the security deposit or applied for dispute resolution.

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. I find that the tenancy ended on May 30, 2009, and that the tenant provided his forwarding address in writing on March 31, 2009. I further find that the landlord has failed to repay the security deposit or make an application for dispute resolution within 15 days of the end of tenancy.

I find that the tenant has established a claim for the security deposit of \$625.00, accrued interest of \$.69, and double the base amount of the security deposit in the amount of \$625.00, for a total of \$1250.69. During the hearing, the tenant agreed to a \$175.00 deduction from the security deposit as carpet cleaning cost. The tenant also acknowledged that he was in receipt of a check dated July 1, 2009 for the amount of \$450.79 as a partial refund of his security deposit. I

therefore grant the tenant an order under section 67 for the balance due of \$624.90. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated July 21, 2009.