



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD & FF

Introduction

A substantial amount of documentary evidence and written arguments has 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 return of the full security deposit of \$1100.00 x 2, for a total of \$2200.00 plus interest. The applicants are also requesting that the respondents bear the \$50.00 cost of the filing fee which was paid for this hearing.

Decision and reasons

The landlord has not returned the tenants 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 landlord testified that a portion of the security deposit was mailed to the tenant on May 20, 2009 but was subsequently returned to the landlord by Canada Post.

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 April 30, 2009 and the landlord had a forwarding address in writing by May 1, 2009 and there is no evidence to show that the tenant's right to return of the deposit has been extinguished.

Therefore, the landlord should have mailed the security deposit to the tenant by May 16, 2009 and since he did not, 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 \$1100.00, and therefore the landlords must pay \$2200.00 plus interest of \$6.04, for a total of \$2206.04.

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

Conclusion

I have issued an order for the respondent's to pay \$2256.04 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: July 15, 2009.

Dispute Resolution Officer

(Note: this decision was produced with the use of voice recognition software)