

Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: MNSD

Introduction

This hearing dealt with an application by the tenant for an order for the return of double the security deposit.

Service of the hearing document, by the tenant to the landlord, was done in accordance with section 88 of the *Residential Tenancy Act*, sent via registered mail on April 06, 2009. The tenant filed a receipt with a tracking number. Despite having been served the notice of hearing, the landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

Issue(s) to be Decided

Is the tenant entitled to the return of double the security deposit?

Background and Evidence

The tenancy began on November 01, 2008. The monthly rent was \$550.00. Prior to moving in, the landlord collected a security deposit of \$275.00.

The tenant moved out on February 01, 2009. Upon asking for the return of the security deposit, the landlord stated that he would return it within three weeks. After, three weeks, the landlord told the tenant that he had returned it to Social Services. The tenant contacted her worker who advised the tenant in writing, that the security deposit had not been returned.

The tenant stated that she provided her forwarding address to the landlord in writing by registered mail, along with a request to return the full amount of the security deposit. The landlord did not respond. The tenant has filed a copy of this letter along with a mail tracking number.

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 **\$275.00** and is obligated under section 38 to return this amount, together with the **\$0.65** in interest which has accrued to the date of this judgment. The amount that is doubled is the base amount of the deposit which is **\$275.00**. Accordingly, the tenant has established a claim for a total of \$550.65.

Conclusion

I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for **\$550.65**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated July 02, 2009.

Dispute Resolution Officer