

DECISION

Dispute Codes: MNSD, O

This hearing dealt with an application by the tenant for a monetary order for the amount of the security deposit, applicable accrued interest, double the security deposit, and recovery of the filing fee for the cost of the application. Despite having been served the notice of hearing and application for dispute resolution by registered mail on May 10, 2009, the landlord did not attend the hearing.

The tenancy began on November 15, 2008 for a fixed term ending April 15, 2009. The tenant paid a security deposit of \$1250.00 on November 15, 2008. The tenancy ended on April 15, 2009. The tenant provided the landlord with her written forwarding address on April 23, 2009. 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 April 15, 2009, and that the tenant provided her forwarding address in writing on April 23, 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 receiving the tenant's forwarding address in writing.

I find that the tenant has established a claim for the security deposit of \$1250.00, accrued interest of \$2.41, and double the base amount of the security deposit in the amount of \$1250.00, for a total of \$2502.41. I therefore grant the tenant an order under section 67 for the amount of \$2502.41. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated August 14, 2009.