

DECISION

Dispute Codes:

MNSD; FF

Introduction

This is the Tenants' application for a Monetary Order for double the security deposit paid to the Landlords; and to recover the cost of the filing fee from the Landlords.

I reviewed the evidence provided prior to the Hearing. Both parties gave affirmed testimony and the Hearing proceeded on its merits.

Issues to be Decided

- Are the Tenants entitled to a monetary order for double the security deposit?
- Are the Tenants entitled to recover the cost of the filing fee from the Landlords?

Background and Evidence

Facts on which the parties agree:

- The tenancy started on May 8, 2008 and ended on April 31, 2009.
- The Tenants paid a security deposit to the Landlords in the amount of \$600.00 on May 8, 2008.
- The Tenants provided the Landlords with written notice of their forwarding address on May 1, 2009.
- The Landlords have not returned the Tenants' security deposit.

Landlords' agent's testimony:

- The Tenants caused damage to the rental unit and did not remove all of their garbage upon vacating the suite. The Landlords requested compensation for the damages and for disposing of the garbage.

Analysis

This Hearing was convened to hear the Tenants' application. The Landlords have not filed an application with respect to damages to the rental property, and are at liberty to

do so, should they so choose.

Section 38 of the Act states that a landlord must return the security deposit in full, or file a claim against the security deposit, within 15 days of receiving a tenant's forwarding address in writing. If a landlord fails to do one of those things within 15 days, the landlord **must** pay the tenant double the amount of the security deposit.

Based on the testimony of both parties, I find that the Tenants have established their claim for double the security deposit. The Tenants have been successful in their application and are entitled to recover the cost of the filing fee from the Landlords.

The Tenants have established a monetary order, as follows:

Double the security deposit	\$1,200.00
Accrued interest on \$600.00 from May 8, 2008	\$5.85
Recovery of the filing fee	\$50.00
TOTAL AMOUNT DUE TO THE TENANTS	\$1,255.85

Conclusion

I hereby grant the Tenants a Monetary Order against the Landlords in the amount of \$1,255.85. This Order must be served on the Landlords and may be filed in the Provincial Court of British Columbia (Small Claims) and enforced as an Order of that Court.

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: September 1, 2009.
