

DECISION

Dispute Codes: 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 base amount of the security deposit. Despite having been served the notice of hearing and application for dispute resolution in person on June 12, 2009, the landlord did not attend the hearing.

The tenancy began on October 1, 2008 for a fixed term ending on September 30, 2009. The tenant paid a security deposit of \$1400.00 on August 11, 2008. The tenancy ended on March 31, 2009. The tenant provided the landlord with her written forwarding address on March 31, 2009. On April 24, 2009, the tenant received from the landlord a partial refund of her security deposit in the amount of \$837.64. The tenant did not agree to the deductions made against her security deposit and the landlord has not 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 in full 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 March 31, 2009, and that the tenant provided her forwarding address in writing on that date. I further find that the landlord has failed to repay the security deposit in full 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 \$1400.00, accrued interest of \$8.20, and double the base amount of the security deposit in the amount of \$1400.00, for a total of \$2808.20. I order the tenant to retain the

partial refund of her security deposit of \$837.64 and I grant the tenant an order under section 67 for the balance due of \$1970.56. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated September 16, 2009.