

## **DECISION**

**Dispute Codes:** MNSD, FF

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 26, 2009, the landlord did not attend the hearing.

The tenancy began on May 18, 2009. The tenant paid a security deposit of \$400.00 on April 30, 2009. The both parties mutually agreed to end tenancy on May 20, 2009 as the tenant found the unit unsuitable for occupation. The tenant provided the landlord with her written forwarding address on May 26, 2009 by registered mail. 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 May 20, 2009, and that the tenant provided her forwarding address in writing on May 26, 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 \$400.00 and double the base amount of the security deposit in the amount of \$400.00, for a total of \$800.00. The tenant is also entitled to recover the \$50.00 filing fee for this application. I grant the tenant an order under section 67 for the balance due

of \$850.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated September 03, 2009.