



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNSD

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application for a monetary Order for return of the security deposit.

Both parties were present at the hearing. At the start of the hearing I introduced myself, the Application for Dispute Resolution was reviewed, the hearing process was explained to the parties and the parties were provided an opportunity to ask questions in relation to the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral evidence, to cross-examine the other party, and to make submissions during the hearing.

Issue(s) to be Decided

Is the Tenant entitled to return of double the security deposit paid?

Background and Evidence

The tenancy commenced on October 1, 2007 and terminated on May 31, 2009. The Tenant paid a security deposit of \$415.00 on October 1, 2007.

While completing the move-out condition inspection on May 31, 2009, the Tenant provided the Landlord with a written forwarding address. The Tenant testified that the deposit has not been returned. The Landlord's agent confirmed that the Tenant did not sign the condition inspection report providing the Landlord with permission to retain the deposit. The Landlord's agent confirmed receipt of the written forwarding address and request for the deposit.



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Analysis

Section 38 of the Act determines that the Landlord must, within 15 days after the later of the date the tenancy ends and the date the Landlord received the Tenant's forwarding address in writing, repay the deposit or make an application for dispute resolution claiming against the deposit.

The Landlord has not returned the deposit paid and I have no evidence before me that the Landlord has made application for dispute resolution within 15 days of May 31, 2009. Therefore, I find that the Tenant is entitled to return of double the \$415.00 deposit paid to the Landlord, plus interest in the sum of \$7.82.

Conclusion

I find that the Tenant has established a monetary claim, in the amount of \$837.82, which is comprised of double the deposit paid, plus interest.

Based on these determinations I grant the Tenant a monetary Order for \$837.82. In the event that the Landlord does not comply with this Order, it may be served on the Landlord, filed with the Province of British Columbia Small Claims Court 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 30, 2009.

Dispute Resolution Officer