

Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: MNSD, FF

Introduction

This hearing dealt with an application by the tenant for a monetary order for the return of double the security deposit and the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issue to be Decided

Is the tenant entitled to the return of double the security deposit? Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started on April 01, 2007. Prior to moving in the tenant paid a security deposit of \$500.00. The monthly rent was \$1000.00 due on the first of each month.

The tenant gave adequate notice to end the tenancy on April 30, 2009 and moved out mid April after providing the landlord with a forwarding address. At the end of April 2009, the management of the property changed hands and due to some miscommunication, the new landlord did not receive the tenant's forwarding address.

The tenant contacted the new landlord with a request to conduct a move out inspection. This inspection was done on April 30, 2009, in the presence of the tenant and the suite was found to be in good condition. On May 03, 2009, the tenant provided the new landlord with a forwarding address in writing and did not hear back.

The landlord stated that due to some problems with information transfer, the office of the new landlord that handled the return of the security deposit, was not advised of the tenant's forwarding address and therefore failed to repay the security deposit to the tenant.

The landlord agreed that the tenant left the rental unit in a satisfactory condition and

was entitled to the return of the full amount of the security deposit.

Analysis

Section 38(1) of the Act provides that the landlord must return the security deposit or apply for dispute resolution within 15 days after the later of the end of the tenancy and the date the forwarding address is received in writing.

I find the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address and is therefore liable under section 38(6), which provides that the landlord must pay the tenant double the amount of the security deposit.

The landlord currently holds a security deposit of \$500.00 and is obligated under section 38 to return this amount along with the accrued interest of \$13.23. The amount that is doubled is the base amount of the deposit which is \$500.00.

Since the tenant has proven her case, she is also entitled to the recovery of the filing fee of \$50.00.

Conclusion

I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for **\$1,063.23**, which represents double the base security deposit, the accrued interest and the filing fee. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated September 03, 2009.

Dispute Resolution Officer