



Dispute Resolution Services

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

Decision

Dispute Codes: O

Introduction

This hearing dealt with an application by the tenant for an order for the return of double his security deposit. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on June 25, the landlord did not participate in the conference call hearing.

Issue(s) to be Decided

Is the tenant entitled to a monetary order as claimed?

Background and Evidence

The undisputed facts before me are as follows. On September 3, 2008 the parties entered into a tenancy agreement and the tenant paid a \$375.00 security deposit. The tenancy was set to begin on October 1, 2008. On September 10 the tenant gave notice to the landlord that he would not be moving into the rental unit. On May 30, 2009 the tenant gave the landlord his forwarding address in writing.

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 \$375.00 and is obligated under section 38 to return this amount together with the \$1.84 in interest which has accrued to the

date of this judgment. The amount that is doubled is the base amount of the deposit.

Conclusion

I grant the tenant an order under section 67 for \$801.84, which sum includes the double security deposit, interest and the \$50.00 filing fee paid to bring this application. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated September 30, 2009.