



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a monetary order for \$1330.00, and the applicant is also requesting an order that the respondent bear the \$50.00 cost of the filing fee that was paid for today's hearing.

Decision and reasons

The landlord has not returned the tenants security deposit, or applied for dispute resolution to keep any or all of tenant's security deposit, within the time limit set out under the Residential Tenancy Act.

The Residential Tenancy Act states that, if the landlord does not either return the security deposit or apply for dispute resolution within 15 days after the later of the date the tenancy ends or the date the landlord receives the tenants forwarding address in writing, the landlord must pay the tenant double the amount of security deposit.



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This tenancy ended on May 31, 2009 and the landlord had a forwarding address in writing by June 17, 2009 and there is no evidence to show that the tenant's right to return of the deposit has been extinguished.

Therefore, I am required to order that the landlord must pay double the amount of the security deposit to the tenants.

The tenants paid a total deposit of \$650.00, and therefore the landlord must pay \$1300.00 plus interest of \$2.05, for a total of \$1302.05.

I further ordered that the respondent bear the \$ 50.00 cost of the filing fee paid for this hearing.

The tenants were also requesting a further \$80.00, claiming that the landlord threw out some items that they left behind when they vacated; however I will not allow this portion of the claim as the tenants did not inform the landlord that they would be returning for these items, and did not inform the landlord that they still wanted the items until well after the tenancy and ended.

Conclusion

I have issued an order for the respondent to pay \$1352.05 to the applicants.

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: October 19, 2009.

Dispute Resolution Officer