



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

No evidence was provided prior to the hearing, however I gave the parties the opportunity to give their evidence orally.

All testimony was taken under affirmation.

Decision and reasons

The landlord has not returned the tenant's security deposit and the landlord's application to keep any or all of tenant's security was dismissed without leave to reapply, as the landlord failed to appear at a dispute resolution hearing.

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.

The landlord did file for dispute resolution however since his application was dismissed without leave to reapply, he should've returned the security deposit. He did not return the deposit however and it is now well past 15 days since the decision was received by the landlord.

Therefore even though the tenant has not applied for double the security deposit, I order that the landlord must pay double the amount of the security deposit to the tenant.



Dispute Resolution Services

Page: 2

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The tenant paid a combined security/pet deposit of \$900.00 and therefore the landlord must pay \$1800.00, plus interest of \$4.98, for a total of \$1804.98.

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

Conclusion

I have issued an order for the respondent to pay \$1854.98 to the applicant.

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: November 09, 2009.

Dispute Resolution Officer