



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, FF

Introduction

Some written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on July 29, 2009, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for the return of the security deposit in the amount of \$320.00, and the applicant is also requesting that the respondent bear the \$50.00 cost of the filing fee that was paid for this hearing.

Decision and reasons

The applicant testified that the landlord has now returned the full security deposit of \$320.00, however it was not returned until after the tenants apply for dispute resolution, and well after the 15 day time limit set out in 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



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

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.

This tenancy ended on July 1, 2009 and the landlord had a forwarding address in writing by July 1, 2009 and there is no evidence to show that the tenant's right to return of the deposit has been extinguished.

Therefore the tenants had the right to the return of double the security deposit for a total of \$640.00, less the \$320.00 that has already been returned; however at the hearing the applicants stated that they do not want the landlord to have to pay double the security deposit and are only requesting that the landlord pay the filing fee of \$50.00, and they are abandoning their right to claim a further \$320.00.

Therefore since the security deposit was not returned until after the tenants applied for dispute resolution I have issued an order for the respondent to pay \$50.00 to the applicants to cover the cost of the filing fee they paid for their application for dispute resolution.

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 19, 2009.

Dispute Resolution Officer