



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      MNSD & FF

### Introduction

Some documentary evidence and written arguments has 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 November 3, 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 a monetary order for return of double the \$1600.00 security deposit. 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 landlord has not returned the tenants security deposit and although they applied for dispute resolution to keep a portion of the tenant's security deposit, they did not appear at that hearing and their application was dismissed without leave to reapply.

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



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landlord must pay the tenant double the amount of security deposit. Since the landlord's application was dismissed without leave to reapply, they should have returned the security deposit.

This tenancy ended on March 1, 2009 and the landlord had a forwarding address in writing by March 24, 2009 and there is no evidence to show that the tenant's right to return of the deposit has been extinguished.

Not only has it been more than 15 days since the landlord received a forwarding address in writing, it has been well more than 15 days since his application was dismissed, and therefore I order that the landlord must pay double the amount of the security deposit to the tenant.

The tenants paid a deposit of \$1600.00, and therefore the landlord must pay \$3200.00, plus interest of \$21.44, for a total of \$3221.44.

I further order 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 \$3271.44 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: November 27, 2009.

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Dispute Resolution Officer