

DECISION

Dispute Codes: MNSD, RPP and AAT

Introduction

This application was brought by the tenants seeking return of her security deposit in double on the grounds that the landlord failed to return it within 15 days of the later of the end of the tenancy or receipt of her forwarding address. The tenant also sought an order for return of her personal property.

Issue(s) to be Decided

This matter requires a decision on whether the tenant is entitled to return of the security deposit and whether that amount should be doubled under section 38(6) of the *Act*.

Background and Evidence

This tenancy began August 1, 2009. Rent was \$750 per month and the landlords hold a security deposit of \$375, half of which is claimed by the tenant.

During the hearing, the tenant gave evidence that she vacated the property on August 30, 2009 on the advice and with the assistance of police officers following an altercation

with her male co-tenant. She stated that she had not given notice but provided a forwarding address. The landlord stated that documents sent to that address by registered mail had been returned with the notation that the recipient did not reside there. The tenant provided a new address during the hearing.

The landlord stated that the co-tenant did not move out of the rental unit on October 31, 2009. The landlord read into evidence a letter from him stating that he had given the tenant \$300, an amount that the tenant stated was part of her share of the rent for September.

As to the tenant's claim for personal property, the landlord stated that what had remained was in a locker and the tenant was welcome to pick it up. While the tenant claimed more property than the landlord had, the property had been in the care of the co-tenant for a period.

Analysis

As this was a co-tenancy and as the applicant's co-tenant remained in the rental unit until October 31, 2009, and as the landlords had not created a new tenancy singly with the remaining co-tenant, I find that the tenancy did not end until October 31, 2009.

As this hearing took place within fifteen days of the end of the tenancy, the landlords are still within time to dispose of the security deposit in accordance with section 38(1) of the *Act* and I find that the tenant's application is premature.

I further find that the landlords received the tenant's address during this hearing, so the 15 day period begins as of this date.

As to the applicant's claim for personal property, the landlord agrees to return what she has when the tenant arranges a mutually agreeable time to pick them up. As to any other belongings, the tenant did not provide an itemized list and stated that she has commenced an action against her co-tenant. Therefore, I find that I cannot address the question of personal property at present.

Conclusion

The application is dismissed with leave to reapply at an appropriate time if necessary.