



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNSD & 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 an order for the respondent to pay double the security deposit to the applicants.

### Background and Evidence

The applicant testified that:

- they moved out of the rental unit on July 31, 2009 and a forwarding address was given to the landlord on August 2, 2009.
- Having not received the security deposit back within the 15 day time limit they applied for dispute resolution on August 18, 2009.
- August 24, 2009 they received a letter from the landlord postmarked August 20, 2009, which contained their full security deposit plus interest.

The applicants are therefore requesting an order that the landlord be required to pay double the security deposit.

The respondent testified that:

- he wrote the cheque for return of the full security deposit plus interest and gave it to his secretary to be mailed to the tenants on August 15, 2009, and as far as he knows she did so.
- He does not know why the mail is Post marked August 20, 2009 however it is his belief that he had met the time limit when returning the full security deposit plus interest.
- He believes he has always been very fair to the tenants and does not think it's reasonable that he should have to pay double the security deposit.

The respondent is therefore requesting that this application be denied.

## Analysis

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.

This tenancy ended on July 31, 2009 and the landlord had a forwarding address in writing by August 2, 2009 and the tenants did not receive the security deposit until August 24, 2009 by mail which was postmarked August 20, 2009.

It therefore appears to the landlord did not return the security deposit within the time limits set out under the Residential Tenancy Act, however it is my decision that I accept the landlords testimony that he thought his secretary had mailed the cheque well within the time limit..



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Therefore it is my decision that I will not order the landlord to pay double the security deposit, and since he has already returned the full security deposit plus interest I will not issue any order against the landlord.

## Conclusion

This application is dismissed in full without leave to reapply.

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: December 11, 2009.

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Dispute Resolution Officer