



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, DRI, 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 August 28, 2009, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Decision and reasons

The landlords had not returned the tenants security deposit or apply for dispute resolution to keep any or all of tenant's security deposit within the time limits 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 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 July 31, 2009, and there is no evidence to show that the tenant's right to return of the deposit has been extinguished.



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Therefore I am required to order that the landlords must pay double the amount of the security deposit to the tenant.

The tenant paid a security deposit of \$475.00 and therefore the landlords are required to return \$950.00 plus interest. After being served with notice of today's hearing the landlord did return the \$475.00 security deposit plus interest, and therefore the landlords must only pay the remaining \$475.00 penalty.

I also order that the landlords bear the \$50.00 cost of the filing fee that was paid for this hearing.

The applicant has withdrawn her claim disputing a rent increase as that matter has been settled.

Conclusion

I have issued an order for the respondents to pay \$525.00 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: December 18, 2009.

Dispute Resolution Officer