



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC, MNSD, O, 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 September 1, 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 \$2000.00.

Decision & Reasons

The landlord has not returned the tenants security/pet deposits or applied for dispute resolution to keep any or all of tenant's security/pet deposits and the time limit in which to apply is now past.

The Residential Tenancy Act states that, if the landlord does not either return the security/pet deposits 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/pet deposits.



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This tenancy ended on August 01, 2009 and the landlord had a forwarding address in writing by August 1, 2009 and there is no evidence to show that the tenant's right to return of the deposits has been extinguished.

Therefore even though the tenant has not applied for double the security deposit, I am required to order that the landlord must pay double the amount of the security/pet deposits to the tenant.

The tenant paid a combined security/pet deposit of \$1400.00 and therefore the landlord must pay \$2800.00 to the tenant, plus interest of \$ \$13.89, for a total of \$2813.89.

I further Order, that the respondent pay to the applicant the sum of \$ 50.00 being the cost of the filing fee.

The claim for moving expenses totaling \$500.00 is dismissed for lack of evidence.

Conclusion

I have issued an order for the respondent to pay \$2863.89 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 23, 2009.

Dispute Resolution Officer