



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an application by the tenant for an order for the return of double her security deposit. Both parties participated in the conference call hearing.

Issue(s) to be Decided

Is the tenant entitled to the return of double her security deposit?

Background and Evidence

The undisputed facts before me are as follows. The tenancy ended on July 1, 2009. At the outset of the tenancy the landlord collected a security deposit of \$1,250.00. On or about July 26, the tenant gave the landlord her forwarding address in writing. The landlord returned \$902.96 to the tenant on July 15 and advised that she was withholding \$450.00 to be applied to damage to the rental unit.

Analysis

Section 38(1) of the Act provides that the landlord must return the security deposit or apply for dispute resolution within 15 days after the later of the end of the tenancy and the date the forwarding address is received in writing. I find the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address, which is the later of the two relevant dates, and is therefore liable under section 38(6) which provides that the landlord must pay the tenant double the amount of the security deposit.

The landlord currently holds a security deposit of \$450 and is obligated under section 38 to return double this amount.

Conclusion

I grant the tenant an order under section 67 for \$950.00, which sum includes the double security deposit, interest and the \$50.00 filing fee paid to bring this application. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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 08, 2009.
