Dispute Resolution Services

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.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a monetary order for double the $650.00 security deposit, plus interest. The applicant is also requesting an order that the respondent bear the $50.00 cost of the filing fee that was paid for this hearing.

Decision and reasons

The landlord did 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 under 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 August 3, 2009 and there is no evidence to show that the tenant's right to return of the deposit has been extinguished.

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

The tenant paid a security deposit of $650.00, and therefore the landlord must pay $1300.00, plus interest of $21.64, for a total of $1321.64.

I further order that the respondent's bear the $50.00 cost of the filing fee that the tenants paid for their application for dispute resolution.

The landlord had returned $200.05 of the security deposit after the 15 day time limit had passed, however the tenant has not cash that cheque and it is now stale dated. I will therefore issue an order for the full amount.

Conclusion

I have issued an order for the respondents to pay $1371.64 to the applicants.

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: January 25, 2010.

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                            Dispute Resolution Officer