



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, MNDC, FF, O

Introduction

A substantial amount of 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 October 19, 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 \$1179.80, which includes double the \$550.00 security deposit, plus \$79.80 for loss of cable television service. The applicant is also requesting that the respondent bear the \$50.00 cost of the filing fee that was paid for this dispute resolution hearing.

Background and Evidence

The applicant testified that:

- They are withdrawing their claim for loss of cable television service, as they have been unable to locate their cable-television invoices.

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- In January of 2009 they receive notification that the property had been repossessed by the bank and that they were now required to make all rent payments to the above respondent's.
- They paid rent to the respondents from then, until the end of the tenancy.
- They vacated the rental unit July 31, 2009, and sent the landlords a forwarding address in writing by registered mail on September 24, 2009, requesting return of their security deposit.
- The landlord has failed to return their security deposit even after numerous requests to do so, claiming that it is not their obligation to do so and that the tenants should be claiming against their previous landlord to whom they paid the security deposit.

The applicants are therefore requesting an order that the landlords returned double their security deposit plus interest. They are further requesting that the respondent's bear the \$50.00 cost of the filing fee which they paid for today's hearing.

Analysis

Section 93 of the Residential Tenancy Act states:

- The obligations of a landlord under this Act with respect to a security deposit or a pet damage deposit run with the land or reversion.

Therefore since the respondent's took over as landlords well before the end of this tenancy, the respondents are obliged to return the tenants security deposit, even if they did not collect the deposit from the previous landlord.

Therefore since the landlord has not returned the tenants security deposit or applied for dispute resolution to keep any or all of tenant's security deposit and the time limit in which to apply is now past, and since the Residential Tenancy Act states that, if the



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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, it is my decision that the landlord must pay double the amount of the \$550.00 security deposit to the tenant, for a total of \$1100.00, plus interest on the deposit totaling \$4.73 for a total of \$1104.73.

I further order that the respondent's bear the \$50.00 cost of the filing fee that was paid for this hearing.

Conclusion

I have issued an order for the respondents to pay \$1154.73 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: February 10, 2010.

Dispute Resolution Officer