



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD & 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 October 20, 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 an order for return of double the \$500.00 security deposit, for a total of \$1000.00. The applicants are also requesting that the respondent bear the \$50 cost of the filing fee that was paid for this dispute resolution application.

Background and Evidence

The applicants testified that:

- This tenancy ended on August 11, 2009 and the landlord was served with a forwarding address in writing by registered mail on September 3, 2009.
- The landlord has failed to return any of their security deposit.

The applicants are therefore requesting an order for double the security deposit plus there filing fee.



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Analysis

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.

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 August 11, 2009 and the landlord had a forwarding address in writing by September 8, 2009 and there is no evidence to show that the tenant's right to return of the deposit has been extinguished.

Therefore, the landlord must pay double the amount of the security deposit to the tenants.

The tenants paid a deposit of \$500.00 and therefore the landlord must pay \$1000.00 to the tenants.

I also allow the claim for the \$50.00 filing fee.

Conclusion

I have issued an order for the respondent to pay \$1050.00 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 11, 2010.

Dispute Resolution Officer