



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

**Dispute Codes**      MNSD

### **Introduction**

This hearing dealt with an application by the tenant for double recovery of the security deposit. Despite having been served the notice of hearing and application for dispute resolution by registered mail on October 22, 2009, which is deemed to be served under the *Act* 5 days later, the landlord did not attend the hearing.

### **Issues(s) to be Decided**

Is the tenant entitled to double recovery of the security deposit?

### **Background and Evidence**

The tenancy began on May 1, 2009. The tenant paid a security deposit of \$200.00 on May 5, 2009. The tenancy ended on July 31, 2009. The landlord gave the tenant a cheque in the amount of \$200.00 on July 31, 2009. A copy of cheque no. 081 on a CIBC account in the name of another person, who is not a party to this proceeding, was provided as evidence. The tenant testified that he took the cheque to the issuing bank and was advised by the cashier that the cheque could not be cashed because the account was dormant. The tenant testified that he immediately phoned and emailed the landlord and left messages, but received no reply from the landlord.

The tenant provided the landlord with his written forwarding address by registered mail on September 4, 2009. The landlord has not returned the security deposit or applied for dispute resolution.

### **Analysis**

Section 38 of the *Residential Tenancy Act* requires that 15 days after the later of the end of tenancy and the tenant providing the landlord with a written forwarding address, the landlord must repay the security deposit or make an application for dispute resolution. If the landlord fails to do so, then the tenant is entitled to recovery of double the base amount of the security deposit. I find that the tenancy ended on July 31, 2009, and that the tenant provided his forwarding address in writing on September 4, 2009. I further find that the landlord has failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address in writing.

### **Conclusion**

I find that the tenant is entitled to double recovery of the security deposit, and I order that the landlord pay to the tenant the sum of \$400.00.

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 18, 2010.

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Dispute Resolution Officer