

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an application by the tenant for an order for a monetary order. Both parties participated in the conference call hearing.

Issue to be Decided

Is the tenant entitled to a monetary order as claimed?

Background and Evidence

The parties agreed that the tenancy began in August 2006 and ended on August 20, 2009 and that the tenant gave her forwarding address in writing to the landlord on August 20, 2009. The parties further agreed that the tenant paid a \$600.00 security deposit at the outset of the tenancy and that the landlord returned only \$300.00 of that deposit. The landlord testified that he did not return the entire deposit because the tenant failed to return bedding at the end of the tenancy.

The tenant requested a further \$300.00 which she characterized as compensation for "other associated costs/damages." The tenant's agent described this claim as compensation for the effort the tenant has undergone to make her claim to recover the deposit.

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 entire security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address 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 \$300.00 and is obligated under section 38 to return this amount together with the \$19.27 in interest which has accrued to the date of this judgment. I award the tenant \$319.27. Although the tenant characterized her claim for an additional \$300.00 as compensation for her efforts in making the claim, I find that an award of an additional \$300.00 is appropriate pursuant to section 38(6) of the Act as referenced above. I award the tenant \$300.00. The tenant is also entitled to recover the \$50.00 filing fee paid to bring her application and I award her that sum.

Conclusion

I grant the tenant an order under section 67 for \$669.27, which sum includes the \$319.27 security deposit and interest which the landlord withheld, \$300.00 pursuant to section 38(6) 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.

Dated: March 29, 2010
