

DECISION

Dispute Codes MNSD, FF, O

Decision and reasons

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 31, 2008 and the landlord had a forwarding address in writing by September 3, 2008, 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 tenant.

The tenant paid a deposit of \$425.00, and therefore the landlord must pay \$850.00, plus interest totalling \$4.27, for a total of \$854.27 to the tenant.

I further order that the respondent/landlord bear the \$50.00 cost of the filing fee it was paid for the application for dispute resolution.

Conclusion

I have issued an order for the respondent to pay \$904.27 to the applicant.

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: April 06, 2010.

Dispute Resolution Officer