

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

A small amount of documentary evidence and written arguments was submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This is a request for an order for return of double the \$525.00 security deposit, for a total of \$1050.00. The applicant is also requesting an order for the landlord to bear the \$50.00 cost of the filing fee that was paid for this application for dispute resolution

### 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 November 29, 2009 and the landlord had a forwarding address in writing by January 11, 2010 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 \$525.00, and therefore the landlord must pay \$1050.00.

I further order that the landlord bear the \$50.00 cost of the filing fee.

### Conclusion

I have issued an order for the respondents to pay \$1100.00 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 09, 2010.

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Dispute Resolution Officer