

DECISION

Dispute Codes MNSD, O, FF

Introduction

Some documentary evidence & written arguments have been 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 a monetary order for \$1300.00 and a request that the respondent bear the \$50.00 cost of the filing fee that was paid for the application for Dispute Resolution.

Background and Evidence

The applicant testified that:

- They served the landlord with a forwarding address my mail that was mailed on March 31, 2009.
- The landlord told them that the security deposit was going to be returned; however to date it has not.
- The landlord has given them no reason why the deposit has not been returned.

The applicants are therefore requesting an order for double the \$650.00 security deposit plus interest, plus the filing fee.

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 March 31, 2009 and the landlord had a forwarding address in writing by April 05, 2009, as it was mailed on March 31, 2009 and is therefore deemed served 5 days later, 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 \$650.00 security deposit to the tenant, plus interest of \$7.81, for a total of \$1307.81.

I also allow the claim for the filing fee.

Conclusion

I have issued an order for the respondents to pay \$1357.81 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: June 22, 2010.

Dispute Resolution Officer