

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution for a monetary order.

The hearing was conducted via teleconference and was attended by the tenant only. The landlord did not attend.

This hearing was originally set for May 5, 2010 but was adjourned to allow the tenant to adequately serve the landlord with the notice of the hearing.

The tenant provided written confirmation and verbal testimony that he provided the landlord with the notice of this hearing via registered mail on May 12, 2010. I am satisfied the landlord has been sufficiently served.

Issues(s) to be Decided

The issues to be decided are whether the tenant is entitled to a monetary order for all or part of the security deposit and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to sections 38, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The tenancy began in December 2008 as a month to month tenancy for a monthly rent of \$875.00 due on the 1st of the month with a security deposit of \$437.50 paid in December 2008. The tenancy ended on May 31, 2009.

The tenant testified that he provided the landlord with his forwarding address but that the building manager did not complete a move out inspection and he has not received any notification of the disposition of his security deposit to date.

Analysis

Section 38 of the *Act* states a landlord must, within 15 days of the end of the tenancy and receipt of the tenant's forwarding address, return the tenant's security deposit or file an Application for Dispute Resolution to claim against the security deposit. This section goes on to say that should the landlord fail to comply the landlord must pay double the security deposit amount to the tenant.

In the absence of any evidence or testimony from the landlord contrary to the tenant's testimony, I find the landlord has failed to meet their obligations under Section 38 of the *Act*.

Conclusion

I find that the tenant is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$925.00** comprised of \$875.00 double the amount of the security deposit and the \$50.00 fee paid by the tenant for this application.

This order must be served on the landlord and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

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 25, 2010.

Dispute Resolution Officer