

## **DECISION**

**Dispute Codes**      MNSD

### **Introduction**

This hearing dealt with an application by the tenant for double recovery of the security deposit. Despite having been served the notice of hearing and application for dispute resolution by registered mail on March 20, 2010, the landlord did not attend the hearing.

### **Issues(s) to be Decided**

Is the tenant entitled to a monetary order for double recovery of the security deposit?

### **Background and Evidence**

The tenancy began on February 1, 2009. The tenant paid a security deposit of \$500.00 on January 31, 2009. The tenancy ended on January 31, 2010. The tenant provided the landlord with her written forwarding address on January 1, 2010. The landlord has not returned the security deposit or applied for dispute resolution.

### **Analysis**

Section 38 of the *Residential Tenancy Act* requires that 15 days after the later of the end of tenancy and the tenant providing the landlord with a written forwarding address, the landlord must repay the security deposit or make an application for dispute resolution. If the landlord fails to do so, then the tenant is entitled to recovery of double the base amount of the security deposit. I find that the tenancy ended on January 31, 2010, and that the tenant provided her forwarding address in writing on January 1, 2010. I further find that the landlord has failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address in writing.

### **Conclusion**

I find that the tenant has established a claim for the security deposit of \$500.00 with no accrued interest, and double the base amount of the security deposit in the amount of

\$1,000.00. The tenant is also entitled to recover the \$50.00 filing fee for this application. I grant the tenant an order under section 67 for the balance due of \$1,050.00. This order may be filed in the Small Claims Court 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 24, 2010.

---

Dispute Resolution Officer