

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was convened by way of conference call to deal with the tenant's application for double the return of the security deposit from the landlord, and to recover the filing fee from the landlord for the cost of this application.

Despite being served with the Tenant's Application for Dispute Resolution and notice of hearing documents by registered mail on March 3, 2010, the landlord did not attend the conference call hearing.

Issues(s) to be Decided

Is the tenant entitled to double the return of the security deposit?

Background and Evidence

The tenancy began on January 2, 2009. The tenant paid a security deposit of \$925.00 and a pet damage deposit of \$925.00 on January 8, 2009. The tenancy ended in mid-January, 2010. The tenant provided the landlord with her written forwarding address on January 19, 2010. The landlord has not returned the security deposit or applied for dispute resolution.

Analysis

Section 38 of the *Residential Tenancy Act* requires that within 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 or about January 19, 2010, and that the tenant provided her forwarding address in writing on that

date. 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 and pet damage deposit of \$1,850.00, and double the base amount of the security deposit in the amount of \$3,700.00. 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 \$3,750.00. 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 30, 2010.

Dispute Resolution Officer