



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

This hearing dealt with an application by the tenants for an order for the return of double their security and pet deposits. Both parties participated in the conference call hearing.

Issue to be Decided

Are the tenants entitled to the return of double their security and pet deposits?

Background and Evidence

The facts are undisputed. The tenancy began on or about August 30, 2008 and ended on March 31, 2010. At the outset of the tenancy the landlord collected security and pet deposits totalling \$1,000.00. On March 31 the tenants gave the landlord their forwarding address in writing. On or about April 14 the landlord returned \$172.87 to the tenants.

Analysis

Section 38(1) of the Act provides that the landlord must return the security and pet deposits or apply for dispute resolution within 15 days after the later of the end of the tenancy and the date the forwarding address is received in writing. I find the landlord received the tenants' forwarding address on March 31 and failed to repay the entire security and pet deposits or make an application for dispute resolution within 15 days. I find that the landlord is liable under section 38(6) which provides that the landlord must pay the tenants double the amount of the deposits.

Having returned \$172.87 to the tenants, the landlord currently holds security and pet deposits of \$827.13 and is obligated under section 38 to return this amount together with the \$5.00 in interest which has accrued to the date of this judgment. The amount that is doubled is the \$827.13 which was not returned to the tenants within the required timeframe. The tenants are also entitled to recover the \$50.00 filing fee paid to bring their application.

Conclusion

I grant the tenants an order under section 67 for \$1,709.26, which sum includes the double security and pet deposits, interest and the \$50.00 filing fee paid to bring this application. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: August 04, 2010

Dispute Resolution Officer