



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, RPP

Introduction

This hearing dealt with an application by the tenant for an order for the return of double her security deposit and the return of cheques written to the landlord. The tenant presented evidence showing that she had served both of the landlords with the application for dispute resolution and notice of hearing via registered mail. I found that the landlords were properly served with application for dispute resolution and notice of hearing and the hearing proceeded.

Issues to be Decided

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

Background and Evidence

The undisputed facts before me are as follows. The tenancy began on or about September 1, 2008 and ended on October 28, 2009. At the outset of the tenancy the landlord collected a security deposit of \$500.00. On November 27, the tenant gave the landlord N.R. her forwarding address in writing.

The tenant testified that she had given the landlord approximately 10 post-dated cheques for rental payments in the anticipation of continuing her tenancy for another year. The tenant has asked the landlord to return the cheques but the landlord has not done so.

Analysis

Section 38(1) of the Act provides that the landlord must return the security deposit 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 tenant's forwarding address on November 27 and I find the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address and is therefore liable under section 38(6) which provides that the landlord must pay the tenant double the amount of the security deposit.

The landlord currently holds a security deposit of \$500.00 and is obligated under section 38 to return this amount together with the \$3.14 in interest which has accrued to the date of this judgment. The amount that is doubled is the base amount of the deposit.

I find that the landlord should return the tenant's post-dated cheques. **I order the landlord to immediately return to the tenant all of the tenant's personal cheques which the landlord currently has in her possession.** If the landlord fails to return the cheques, the tenant may make a further application for dispute resolution to recoup any bank fees she must pay in order to put a stop payment on each cheque.

Conclusion

I grant the tenant an order under section 67 for \$1,003.14, which sum includes the double security deposit and interest. This order may be filed in the Small Claims Court and enforced as an order of that Court.

The landlord is ordered to return the tenant's personal cheques.

Dated: August 12, 2010

Dispute Resolution Officer