



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an application by the tenant for an order for the return of double his security deposit. The tenant testified that he served the landlord with the application for dispute resolution and notice of hearing by serving those documents personally on the building manager at the residential property. I found that the landlord was properly served with application for dispute resolution and notice of hearing and the hearing proceeded.

Issue to be Decided

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

Background and Evidence

The undisputed facts before me are as follows. The tenancy began on August 1, 2009 and ended on March 30, 2010. At the outset of the tenancy the landlord collected a security deposit of \$400.00. On March 30, the tenant and landlord completed a condition inspection report on which the tenant wrote his forwarding address.

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 March 30, 2010 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 \$400.00 and is obligated under section 38 to return this sum. I note that no interest has accrued on the deposit. I award the tenant \$800.00. I find that the tenant is also entitled to recover the filing fee paid to bring this application and I award him \$50.00.

Conclusion

I grant the tenant an order under section 67 for \$850.00, which includes the double security deposit 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 30, 2010

Dispute Resolution Officer