



# 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 deposit. The tenants presented evidence showing that they served the landlord with the application for dispute resolution and notice of hearing via registered mail. 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

Are the tenants entitled to the return of double their security deposit?

### Background and Evidence

The undisputed facts before me are as follows. The tenancy began on April 1, 2006 and ended on April 15, 2010 when the tenants vacated the unit. At the outset of the tenancy the landlord collected a security deposit of \$300.00. On April 15, 2010 the tenants gave the landlord their forwarding address in writing. On or about May 14, 2010 the tenants received from the landlord a cheque for \$300.00. The cheque is dated May 13, 2010.

### 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 April 15 and I find the landlord failed to repay the

security deposit or make an application for dispute resolution within 15 days of receiving the tenants' forwarding address. Although the landlord eventually repaid the entire deposit, the failure to act within the required timeframe makes the landlord liable under section 38(6) which provides that the landlord must pay the tenant a penalty equivalent to the amount of the security deposit. The landlord also failed to pay the \$10.25 in interest which had accrued.

I award the tenants \$310.25 which represents the section 38(6) penalty and a further \$50.00 which represents the filing fee paid to bring this application.

### Conclusion

I grant the tenants an order under section 67 for \$360.25. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: September 17, 2010

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Dispute Resolution Officer