

DECISION

Dispute Codes MNSD, FF

Introduction

Some documentary evidence and written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by hand on August 25, 2010 but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a monetary order for \$625.00.

Background and Evidence

The applicants testified that the landlord has not returned their security deposit even though the time limit in which to return the deposit is well past as a forwarding address in writing was given to them on April 1, 2010 and again on April 26, 2010.

The applicants also testified that they have never given the landlord permission to keep their security deposit.

The applicants are therefore requesting an order for return of their full security deposit of \$575.00, and an order that the respondent pay the \$50.00 cost of the filing fee, for a total order of \$625.00.

Analysis

The landlord has not returned the tenants security deposit or applied for dispute resolution to keep any or all of tenant's security deposit and the time limit in which to apply is now well past.

The Residential Tenancy Act states that, if the landlord does not either return the security deposit or apply for dispute resolution within 15 days after the later of the date the tenancy ends or the date the landlord receives the tenants forwarding address in writing, the landlord must pay the tenant double the amount of security deposit; however in this case the applicants are only requesting the amount of their security deposit, and not double.

This tenancy ended on April 26, 2010 and the landlord had a forwarding address in writing by April 1, 2010 and there is no evidence to show that the tenant's right to return of the deposit has been extinguished.

Therefore, I allow the applicants claim for the return of their full security deposit of \$575.00 and I also order that the respondent pay the \$50.00 filing fee to the tenants

Conclusion

I have issued an order for the respondent to pay \$625.00 to the applicants.

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: October 07, 2010.

Dispute Resolution Officer