



# Dispute Resolution Services

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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 a monetary order for the return of double the security deposit and for the recovery of the filing fee.

Service of the hearing document, by the tenant to the landlord, was done in accordance with section 88 of the *Residential Tenancy Act*. The tenant stated that she served the hearing document to the landlord by registered mail on June 25, 2010. The tenant filed a tracking number.

Despite having been served the notice of hearing, the landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issue to be Decided**

Is the tenant entitled to the return of double the security deposit? Is the tenant entitled to the recovery of the filing fee?

### **Background and Evidence**

The tenancy started on December 01, 2008 and ended on May 31, 2010. The monthly rent was \$1,400.00 due on the first day of each month. The tenant paid a security deposit of \$700.00 and a pet deposit of \$700.00.

On April 26, 2010 the tenant gave the landlord written notice to end the tenancy effective May 31, 2010. In that letter, the tenant gave the landlord her forwarding address. After she moved out, the tenant made contact twice with the landlord to request for the return of the security deposit and as of June 22 had not received it.

### **Analysis**

Section 38(1) of the Act provides that the landlord must return the security deposit and pet 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.

Based on the sworn testimony of the tenant and in the absence of any contradictory evidence, I find that the landlord failed to repay the security and pet deposits 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 and pet deposits.

The landlord currently holds a security deposit of \$700.00 and a pet deposit of \$700.00. The landlord is obligated under section 38 to return this amount along with the accrued interest of \$3.04. The amount that is doubled is the base amount of the deposits which is \$1,400.00.

Since the tenant has proven his case, she is also entitled to the recovery of the filing fee of \$50.00.

Overall the tenant has established a claim of \$2,853.04 which which represents double the base deposits, the accrued interest and the filing fee. I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for **\$2,853.04**. This order may be filed in the Small Claims Court and enforced as an order of that Court

### **Conclusion**

I grant the tenant a monetary order in the amount of **\$2,853.04**.

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: November 05, 2010.

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Dispute Resolution Officer