



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was convened by way of conference call to deal with the tenants' application for double return of the security deposit and pet damage deposit, and to recover the filing fee from the landlord for the cost of this application.

Despite being served with the Tenant's Application for Dispute Resolution and notice of hearing documents by registered mail on July 9, 2010, the landlord did not attend the conference call hearing. One of the tenants attended with a witness, who both gave affirmed testimony. All information and evidence provided has been reviewed and is considered in this Decision.

Issues(s) to be Decided

Are the tenants entitled to a monetary order for double the return of the security deposit and pet damage deposit?

Background and Evidence

The tenancy began on September 1, 2005. The tenants paid a security deposit of \$300.00 and a pet damage deposit of \$300.00 on September 1, 2005. The tenancy ended on September 1, 2008. The tenants provided the landlord with their written forwarding address on June 30, 2008, a copy of which was provided. The landlord has not returned the security deposit or the pet damage deposit, and has not applied for dispute resolution.

Analysis

Section 38 of the *Residential Tenancy Act* requires that 15 days after the later of the end of tenancy and the tenant providing the landlord with a written forwarding address, the landlord must repay the security deposit or make an application for dispute resolution. If the landlord fails to do so, then the tenant is entitled to recovery of double the base amount of the security deposit.

I find that the tenancy ended on September 1, 2008 and that the tenants provided their forwarding address in writing on June 30, 2008. I further find that the landlord has failed to repay the security deposit or make an application for dispute resolution within 15 days of the later of the date the landlord received the tenants' forwarding address in writing and the date the tenancy ended.

Conclusion

I find that the tenants have established a claim for the security deposit of \$300.00 as well as a claim for the pet damage deposit in the amount of \$300.00, accrued interest of \$21.25, and double the base amount of the security deposit and pet damage deposit in the amount of \$1,200.00, for a total of \$1,221.25. The tenants are also entitled to recover the \$50.00 filing fee for this application. I grant the tenants an order under section 67 for the balance due of \$1,271.25. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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 22, 2010.

Dispute Resolution Officer