



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 her security deposit. The tenant testified that she served the landlord with the application for dispute resolution and notice of hearing by registered mail. I found that the landlord was properly served with application for dispute resolution and notice of hearing and the hearing proceeded in his absence.

Issue to be Decided

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

Background and Evidence

The undisputed facts before me are as follows. The tenancy began in 2000 and ended on May 1, 2010. At the outset of the tenancy the landlord collected a security deposit of \$425.00. On March 29, 2010, the tenant gave the landlord her forwarding address in writing and requested the return of the security deposit.

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 29 and that the tenancy ended on May 1. 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. While the tenant

would have been legally entitled to receive double her deposit pursuant to section 38(6), the tenant only applied for an order for the base amount of the deposit. I am unable to award the tenant double the deposit as the landlord has not had notice of a claim for double the deposit.

I award the tenant \$425.00 which represents her security deposit and a further \$31.07 which represents the interest which has accrued to the date of this judgment. I also award the tenant the \$50.00 filing fee paid to bring this application.

Conclusion

I grant the tenant an order under section 67 for \$506.07, which sum includes the double security deposit, interest 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: November 02, 2010

Dispute Resolution Officer