



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 double their security deposit. Both parties participated in the conference call hearing.

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 May 1, 2009 and ended on April 30, 2010. At the outset of the tenancy the landlord collected a security deposit of \$750.00. On May 28, the tenants gave the landlord their 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 tenants' forwarding address on May 28 and 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 and is therefore liable under section 38(6) which provides that the landlord must pay the tenants double the amount of the security deposit. I further find that the tenants are entitled to recover the \$50.00 filing fee paid to bring their application.

The landlord testified that as she was acting as an agent for the owner, who had indicated that he would deal directly with the tenants. Section 1 of the Act contains a broad definition of "landlord" which captures agents who act on a landlord's behalf. I find that the agent was properly named as a respondent.

Conclusion

I grant the tenants an order under section 67 for \$1,550.00, which sum includes the double security deposit 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 09, 2010

Dispute Resolution Officer