



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by the tenant only. The landlord did not attend.

The tenant testified that she served the landlord with notice of this hearing using two methods. She provided a copy of the notice of hearing documents by placing on the landlord's doorstep on July 15, 2010 and via registered mail on July 16, 2010.

Based on the confirmation of the registered mail submitted and the tenant's testimony, I accept the landlord was sufficiently served with notice of this hearing.

Issues(s) to be Decided

The issues to be decided are whether the tenant is entitled to a monetary order for double the amount of the security deposit, pursuant to Sections 38, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The tenancy began on March 1, 2009 as a month to month tenancy for a monthly rent of \$1,000.00 due on the 1st of the month, a security deposit of \$500.00 was paid at the start of the tenancy.

The tenant testified she moved on June 30, 2010 and had provided the landlord with her forwarding address prior to the end of the tenancy.

Analysis

Section 38(1) of the *Act* states that a landlord must, within 15 days of the end of the tenancy and receipt of the tenant's forwarding address, return the security deposit, less any mutually agreed upon deductions to the tenant or file an Application for Dispute Resolution to claim against the security deposit.

Section 38(6) says that if the landlord fails to comply with Section 38(1) the landlord must pay the tenant double the amount of the security deposit.

In the absence of any evidence or testimony from the landlord to the contrary, I find the landlord has failed to comply with Section 38(1) of the *Act* and therefore in accordance with Section 38(6) must pay the tenant double the amount of the security deposit.

Conclusion

I find that the tenant is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$1,000.00** comprised of double the amount of security deposit paid.

This order must be served on the landlord and may be filed in the Provincial Court (Small Claims) 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: December 03, 2010.

Dispute Resolution Officer