



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

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 tenant testified that he served the landlord with notice of this hearing via registered mail on August 4, 2010. Based on this testimony, I find the landlord has been sufficiently served with notice of this hearing.

Issue(s) to be Decided

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

Background and Evidence

The tenancy began on October 1, 2009 as a month to month tenancy for a monthly rent in the amount of \$375.00 due on the 1st of the month. The tenant provided a copy of an income assistance cheque stub showing that a security deposit of \$187.50 was paid on September 11, 2009.

The tenant testified that he provided the landlord with his forwarding address sometime in December 2009 and that the landlord told him he would return the security deposit after the current tenants moved out of the rental unit, sometime in January 2010. The tenant never heard from the landlord again.

Analysis

Section 38(1) of the *Act* states 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 amounts or file and Application for Dispute Resolution seeking to claim against the security deposit.

Section 38(6) stipulates that should the landlord fail to comply with Section 38(1), the landlord must pay the tenant double the amount of the security deposit.



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Based on the tenant's undisputed testimony, I find the landlord failed to comply with Section 38(1) of the *Act* and is therefore required to 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 **\$375.00** comprised of double the amount of the security deposit.

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 23, 2010.

Residential Tenancy Branch