



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an application by the tenant for an order for the return of double his security deposit. The tenant testified that he personally served the landlord with the application for dispute resolution and notice of hearing on or about July 22. 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 his security deposit?

Background and Evidence

The undisputed facts before me are as follows. The tenancy began on June 1, 2009 and ended on September 30, 2009. At the outset of the tenancy the landlord collected a security deposit of \$225.00. On November 24, the tenant sent his forwarding address to the landlord via registered mail and requested the return of the security deposit. The registered letter was returned to the tenant unclaimed.

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. Although the landlord did not claim the registered letter containing the tenant's forwarding address, I find that it was served in accordance with the Act and the landlord cannot avoid service by refusing to

collect the registered letter. The landlord is deemed to have received the forwarding address on November 29, 5 days after it was mailed. I find that 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 tenant double the amount of the security deposit.

Conclusion

I grant the tenant an order under section 67 for \$450.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: December 09, 2010

Dispute Resolution Officer