



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 tenants for an order for the return of double their security deposit. The tenants presented evidence showing that they served the landlord with the application for dispute resolution and notice of hearing via registered mail on July 28. 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

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 November 1, 2008 and ended on June 1, 2010. At the outset of the tenancy the landlord collected a security deposit of \$375.00. On May 25, 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 25 and the tenancy ended on June 1 and I find the landlord failed to repay the security deposit or make an application for dispute resolution

within 15 days and is therefore liable under section 38(6) which provides that the landlord must pay the tenants double the amount of the security deposit.

The landlord currently holds a security deposit of \$375.00 and is obligated under section 38 to return this amount together with the \$1.26 in interest which has accrued to the date of this judgment. The amount that is doubled is the base amount of the deposit.

Conclusion

I grant the tenants an order under section 67 for \$801.26, 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: December 17, 2010.

Dispute Resolution Officer