



# 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 his security deposit. The tenant presented evidence showing that he served the landlords with the application for dispute resolution and notice of hearing via registered mail. The tenant's evidence shows that the landlords failed to claim the item. I found that the landlords were properly served with application for dispute resolution and notice of hearing and the hearing proceeded in their 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 December 1, 2009 and ended on February 28, 2010. At the outset of the tenancy the landlord collected a security deposit of \$350.00. On March 24 the tenant sent the landlords his forwarding address via registered mail and they signed for that letter on April 21.

### 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 landlords received the tenant's forwarding address on April 21 and I find the landlords failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address and are 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 \$750.00, 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: December 08, 2010

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Dispute Resolution Officer