



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This hearing dealt with an application by the tenant for an order for the return of double her security deposit. Both parties participated in the conference call hearing

### Issue to be Decided

Is the tenant entitled to the return of double her security deposit?

### Background and Evidence

The facts are not in dispute. The tenancy began on or about May 1, 2004 and ended on July 31, 2010. At the outset of the tenancy the individual who owned the rental unit at that time collected a security deposit of \$262.50 which was turned over to the current landlord when he acquired the property. On July 31, the tenant gave the landlord her forwarding address in writing.

### 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 that the tenancy ended and the landlord received the tenant's forwarding address on July 31, 2010 and I find the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of that date and is therefore liable under section 38(6) which provides that the landlord must pay the tenant double the amount of the security deposit.

The landlord currently holds a security deposit of \$262.52 and is obligated under section 38 to return this amount together with the \$9.29 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 tenant an order under section 67 for \$534.29, which sum includes the double security deposit and interest. This order may be filed in the Small Claims Court 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: February 01, 2011

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Residential Tenancy Branch