



Dispute Resolution Services

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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 and pet deposits. The tenant testified that she served the landlord with the application for dispute resolution and notice of hearing via registered mail on or about October 9. I found that the landlord was properly served with application for dispute resolution and notice of hearing and the hearing proceeded.

Issue(s) to be Decided

Is the tenant entitled to the return of double her security and pet deposits?

Background and Evidence

The undisputed facts before me are as follows. The tenancy began on September 1, 2009 and ended on or about August 28, 2010. At the outset of the tenancy the landlord collected a \$550.00 security deposit and on December 1, 2009 the tenant paid a \$550.00 pet deposit. On or about October 1, 2010, the tenant gave the landlord her forwarding address in writing. As of the date of the hearing the tenant has not received any payment from the landlord.

Analysis

Section 38(1) of the Act provides that the landlord must return the security and pet deposits 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 tenant's forwarding address on October 1, 2010 and I find the landlord failed to repay the security and pet deposits 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 and pet deposits.

The landlord currently holds a security deposit of \$550.00 and a pet deposit of \$550.00. I award the tenant \$2,200.00. I find that the tenant is also entitled to recover the \$50.00 filing fee paid to bring her application and I award her a further \$50.00.

Conclusion

I grant the tenant an order under section 67 for \$2,250.00. 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 07, 2011

Residential Tenancy Branch