



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNSD, FF, O

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties .

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order in the amount of \$383.00 and a request for an order for recovery of the \$50.00 filing fee.

Background and Evidence

This tenancy ended on November 1, 2010, and the landlord was given a forwarding address in writing on November 1, 2010.

The landlord returned the security deposit to the tenant by mail that was mailed on November 15, 2010, 14 days after receiving a forwarding address in writing.

The mail with the security deposit was received by the tenant on November 17, 2010.

The applicant is arguing that since the security deposit was not received until November 17, 2010, the landlord had exceeded the 15 day time limit in which to return the deposit, and therefore it should be returned double.

Analysis

It is my decision that I will not allow the tenants claim for return of double the security deposit.

Section 38 of the act states:

38 (1) Except as provided in subsection (3) or (4) (a), within 15 days after the later of

(a) the date the tenancy ends, and

(b) the date the landlord receives the tenant's forwarding address in writing,

the landlord must do one of the following:

(c) repay, as provided in subsection (8), any security deposit or pet damage deposit to the tenant with interest calculated in accordance with the regulations;

(d) make an application for dispute resolution claiming against the security deposit or pet damage deposit.

The purpose of this time period is to allow the landlord 15 days in which to assess the property for damages, and to ensure that the security deposit is returned in a timely manner. Therefore it is my decision that as long as the landlord mailed the security deposit within the 15 day time limit, he has complied with section 38 of the Act.

Conclusion

This application is dismissed in full without leave to reapply.

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: March 25, 2011.

Residential Tenancy Branch