

DECISION

Dispute Codes MNDC, MNSD

Introduction

This hearing dealt with an application by the tenant for a monetary order. The tenant participated in the conference call hearing but the landlord(s) did not. The tenant presented evidence that the landlords were served with the application for dispute resolution and notice of hearing by registered mail on October 29, 2010. I found that the landlord had been properly served with notice of the tenant's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issues to be Decided

Is the tenant entitled to double the security deposit?

Background and Evidence

The tenant gave undisputed testimony that the tenancy ended on October 31, 2009 and that she gave the landlords written notice of her new address on that same day. The amount of the security deposit was \$400.00

Analysis

I accept the tenant's undisputed testimony. 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 tenancy and the date the forwarding address is received in writing . I find the landlord received the tenant's forwarding address on October 31, 2009 and I find that the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenants forwarding address and is therefore liable under section 38(6) of the Act which provides the landlord must pay the tenant double the amount of the security deposit.

The landlord currently holds a \$400.00 security deposit. I award the tenant \$800.00 which is double the security deposit.

Conclusion

I grant the tenant an order under section 67 for the balance due of \$800.00. This order may be filed in the Small Claims Division of the Provincial 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: March 02, 2011.

Residential Tenancy Branch