



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 a monetary order for double recovery of the pet and security deposits. The tenant and an agent for the landlord participated in the teleconference hearing.

Issue(s) to be Decided

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

Background and Evidence

The tenancy began on April 1, 2009. The tenant paid a security deposit of \$750 and a pet deposit of \$100 on that date. The tenancy ended on January 31, 2011. The tenant did not provide the landlord his written forwarding address. The tenant made his application for recovery of the deposits on March 7, 2011, and sent the landlord notice of the hearing by registered mail on March 11, 2011. The landlord is deemed to have received the registered mail package five days after service, or by March 16, 2011.

Analysis

Section 38 of the Residential Tenancy Act requires that 15 days after the later of the end of tenancy and the tenant providing the landlord with a written forwarding address, the landlord must repay the security deposit or make an application for dispute resolution. If the landlord fails to do so, then the tenant is entitled to recovery of double the base amount of the security and pet deposits.

In this case, the tenant did not provide his forwarding address in writing before making his application for recovery of the deposits. The landlord would have been presumed to have received the tenant's forwarding address with the hearing package by March 16, 2011. The landlord would therefore have been required to either return the deposits or

make an application to keep the deposits by March 31, 2011. I therefore find that the tenant is not entitled to double recovery of the deposits. The tenant is entitled to recovery of the base amount of the deposits, a total of \$850.

As the tenant's application was partially successful, I find that he is entitled to partial recovery of his filing fee, in the amount of \$25.

Conclusion

I grant the tenant an order under section 67 for the balance due of \$875. 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: April 4, 2011.

Residential Tenancy Branch