



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNSD

Introduction

Some documentary evidence and written arguments were submitted by the applicant prior to the hearing, however those submissions were not considered, because the respondent did not receive copies of the applicant submissions.

However I 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 for \$950.00 and a request for an order for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- This tenancy ended on November 30, 2010, however the landlord did not return the security deposit until sometime in January 2011, well past the 15 day time limit required under the Residential Tenancy Act.
- The landlord knew his forwarding address and therefore should have returned the deposit within the time limit.

- They moved directly from this unit into another rental unit owned by the landlords and paid another security deposit when they moved into that unit.

The applicant is therefore requesting an order that the landlord be held liable for double the deposit, and for paying the filing fee.

The landlord testified that:

- The tenant did move out of the rental unit on November 30, 2010 and they did have a forwarding address in writing at that time as it was noted on the move out inspection report.
- There was some confusion over whether or not the tenants would be moving into another suite owned by the landlords and transferring the security deposit and therefore there was a delay in returning the deposit.
- The tenants did move into another rental unit owned by the landlords however they paid another security deposit on the suite they moved into, and therefore on December 31, 2010, their previous security deposit was returned.

Analysis

The Residential Tenancy Act states that, if the landlord does not either return the security deposit or apply for dispute resolution within 15 days after the later of the date the tenancy ends or the date the landlord receives the tenants forwarding address in writing, the landlord must pay the tenant double the amount of security deposit.

This tenancy ended on November 30, 2010 and the landlord had a forwarding address in writing by November 30, 2010, and there is no evidence to show that the tenant's right to return of the deposit has been extinguished. The landlords did not however return the deposit until December 31, 2010 well past the 15 day time limit.

Therefore, the landlords are required to pay double the amount of the original security deposit to the tenant and since they only returned the original amount of the deposit, the landlords must still pay a further \$950.00 to the tenants.

I also allow a request for recovery of the \$50.00 filing fee.

Conclusion

I have issued a monetary order for the landlords to pay \$1000.00 to the tenants.

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: June 14, 2011.

Residential Tenancy Branch