



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FF

Introduction

This hearing dealt with an application by the tenant for a double recovery of the security deposit. Both the tenant and the landlord participated in the teleconference hearing.

Issue(s) to be Decided

Is the tenant entitled to double recovery of the security deposit?

Background and Evidence

The tenancy began on March 1, 2006. At the outset of the tenancy, the tenant paid a security deposit of \$250. The tenancy ended on September 25, 2010. On December 15, 2010, the landlord returned \$100 of the security deposit. On January 4, 2011, the tenant made an application for the return of her security deposit, and provided her forwarding address in her application. The landlord did not return the remainder of the security deposit or apply for dispute resolution to retain the remainder of the security deposit.

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 deposit.

In this case, the tenancy ended on September 25, 2010, and the tenant provided her forwarding address in writing on January 4, 2011. The landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address in writing.

I find that the tenant has established a claim for the security deposit of \$250, accrued interest of \$8.64, and double the base amount of the security deposit in the amount of \$250. The tenant is also entitled to recover the \$50 filing fee for this application, for a subtotal of \$558.64. I deduct the landlord's \$100 payment made December 15, 2010, for a total of \$458.64.

Conclusion

I grant the tenant an order under section 67 for the balance due of \$458.64. 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: June 27, 2011.

Residential Tenancy Branch