



# 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 return of the security deposit and recovery of the filing fee.

The tenant participated in the conference call hearing but the landlord did not. The tenant presented evidence that the landlord was served with the application for dispute resolution and notice of hearing by registered mail xxxxxx. 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.

### Issue(s) to be Decided

Is the tenant entitled to any of the above under the Act.

### Background and Evidence

This tenancy began May 15, 2010 with monthly rent of \$950.00 and the tenant paid a security deposit of \$425.00.

The tenant testified that she vacated her rental unit on November 30, 2010 and was advised by the resident manager that her security deposit would be returned to her in approximately one week's time. When the security deposit was not returned the tenant started calling the resident manager on a weekly basis to find out the status of the deposit.

The tenant stated when the security deposit was not returned, that on January 20, 2011 she sent a letter to the landlord with her forwarding address requesting return of the deposit. The tenant stated that the landlord has still not returned the tenant's security deposit or contacted her regarding the deposit.

The tenant in this application is seeking \$950.00 compensation in return of double the deposit per section 38 (6) of the *Act*.

### Analysis

Based on the documentary evidence and undisputed testimony of the tenant, I find on a balance of probabilities that the tenant has met the burden of proving that they have grounds for entitlement to a monetary order for return of double the security deposit.

The tenant provided the landlord in writing with their forwarding address on January 20, 2011 and the landlord neither claimed against or returned the tenant's security deposit within 15 days after receiving the tenant's forwarding address therefore the landlord per section 38 (6) of the *Act*, must pay the tenant double the security deposit.

I find that the tenant has established a claim for \$950.00 in return of double the security deposit.

The tenant is entitled to recovery of the \$50.00 filing fee.

### Conclusion

I find that the tenant has established a monetary claim for **\$950.00**. The tenant is also entitled to recovery of the \$50.00 filing fee.

A monetary order in the amount of **\$1000.00** has been issued to the tenant and a copy of it must be served on the landlord. If the amount is not paid by the landlord, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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 20, 2011.

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Residential Tenancy Branch