

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an application by the tenant seeking an order to have doubled the security deposit returned. 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 March 7, 2011. I found that the landlord had been properly served with notice of the tenants claim and the date and time of the hearing and the hearing proceeded in their absence. The tenant gave affirmed evidence.

Issues to be Decided

Is the tenant entitled to double the security deposit?

Background and Evidence

The tenancy began on or about February 15, 2010 and ended February 15, 2011. Rent in the amount of \$825.00 is payable in advance on the fifteenth day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$450.00. No move in nor move out condition inspection was ever conducted. The tenant gave the landlord their forwarding address in writing and delivered it by registered mail on January 25, 2011. The landlord did send the tenant a cheque in the amount of \$173.94. The landlord deducted some costs from the deposit without the tenant's agreement.

Analysis

I accept the undisputed testimony of the tenant. The landlord extinguished their right to the security deposit by not meeting their obligations as is required under section 35 of

the Act in conducting a move in and move out condition inspection report. The tenant has met all of their obligations and is entitled to the return of double the outstanding security deposit. I find that the tenant has established a claim for $\$276.06 \times 2 = \552.12 . I grant the tenant an order under section 67 for the balance due of \$552.12. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenant is granted a monetary order for \$552.12.

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