



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD FF

### Introduction

This hearing dealt with an application by the tenants for return of double the security deposit and recovery of the filing fee. Although served with the Application for Dispute Resolution and Notice of Hearing sent by registered mail on March 7, 2011 the landlord failed to attend the hearing.

### Issues(s) to be Decided

Is the tenant entitled to a monetary order?

### Background and Evidence

This tenancy began on July 14, 2008 and ended on January 31, 2011. The tenants paid a security deposit of \$875.00 at the start of the tenancy. The tenants provided the landlord with their forwarding address in writing sent by registered mail on February 14, 2011. The tenants have received one cheque from the landlord in the amount of \$326.20. The tenants did not consent in writing to the landlord keeping all or any part of their security deposit.

### Analysis

Section 38(1) of the Act provides that within 15 days after the later of the date the tenancy ends and the date the landlord receives the tenant's forwarding address in writing, the landlord must either repay the entire security deposit to the tenant or file an application for dispute resolution claiming against the deposit. In the present case, the landlord has done neither.

Section 38(6) provides that if a landlord does not comply with section 38(1), the landlord may not make a claim against the deposit and must pay the tenant double the amount of the security deposit.

### Conclusion

Based on the above, I find that the tenants are entitled to an order that the landlord pay to them double the security deposit less the amount already returned. I therefore order that the landlord pay to the tenant the sum of \$1,430.40 representing double the deposit plus interest (\$6.60) on the original amount. I further order that the landlord bear the \$50.00 cost of this application. This order may be filed in 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*.