



# Dispute Resolution Services

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 an order for the return of double their security deposit. The tenants presented evidence showing that they served the landlord with the application for dispute resolution and notice of hearing via registered mail on January 13, 2011 and that the landlord received and signed for that letter. The landlord did not appear at the May 17 hearing. At that hearing, the tenants advised that they wished to amend their claim to claim double the amount of their security deposit. The hearing was adjourned to permit them opportunity to serve the landlord with an amended application for dispute resolution which they did by registered mail on May 27. The tenants testified that the landlord signed for that registered letter on May 30. I found that the landlord was properly served with application for dispute resolution and notice of hearing and the hearing proceeded.

### Issue to be Decided

Are the tenants entitled to the return of double their security deposit?

### Background and Evidence

The undisputed facts before me are as follows. The tenancy began in September 2009 at which time the tenants paid a \$700.00 security deposit and ended on December 1, 2010. On December 9, 2010, the tenants gave the landlord their forwarding address in writing.

### Analysis

Section 38(1) of the Act provides that the landlord must return the security deposit or apply for dispute resolution within 15 days after the later of the end of the tenancy and the date the forwarding address is received in writing. I find the tenancy ended on December 1, 2010 and that the landlord received the tenants' forwarding address on December 9, 2010 and I find the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving that address and is

therefore liable under section 38(6) which provides that the landlord must pay the tenants double the amount of the security deposit.

I award the tenants \$1,400.00 as well as a further \$50.00 representing the filing fee paid to bring this application.

Conclusion

I grant the tenant an order under section 67 for \$1,450.00, which sum includes the double security deposit and the \$50.00 filing fee. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: June 10, 2011

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