

## **DECISION**

Dispute Codes      MNSD

### Introduction

This hearing dealt with an application by the tenant seeking an order for the return of doubled the security deposit. The tenant participated in the conference call hearing but the landlord(s) did not. The tenant presented evidence that the landlord was served with the application for dispute resolution and notice of hearing by registered mail on April 21, 2011. 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. The tenant gave affirmed evidence.

### Issues to be Decided

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

### Background and Evidence

The tenancy began on or about August 1, 2010. Rent in the amount of \$1000.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$500.00. The tenant moved out of the unit on March 31, 2011. The tenant testified that a move in nor move out condition inspection was conducted. The tenant provided her forwarding address in writing on several occasions and is seeking the return of doubled the security deposit.

### Analysis

In Section 38 of the Act it states that a landlord must return the security deposit within fifteen days of receiving the tenants forwarding address in writing or apply for dispute resolution, the landlord did neither. I accept the tenant's undisputed testimony. The tenant provided documentation to support her claim.

As for the monetary order, I find that the tenant has established a claim for the return of double the security deposit  $\$500.00 \times 2 = \$1000.00$ . I grant the tenant an order under section 67 for the balance due of \$1000.00. 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 entitled to a monetary order of \$1000.00.

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: August 15, 2011.

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Residential Tenancy Branch