

DECISION

Dispute Codes MNDC, MNSD, OLC, FF, O

Introduction

This is an application filed by the Tenant for a monetary order for money owed or compensation for loss under the Act, regulation or tenancy agreement, for the return of double the security deposit, an order for the Landlord to comply with the Act and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony.

The Owner's Agent, N.W. attended the hearing on behalf of the Owner, M.W. with no indication of agency appearance noted on the submitted evidence. The evidence submitted by the property management company states that the owner (no name provided) would attend for the hearing. The Tenant has confirmed the identity of the Owner's Agent and that he is satisfied that he represents the Owner for this Tenancy.

The Tenant has made application for compensation for as indicated in his evidence from two previous decisions made by the Residential Tenancy Branch. As those decisions have already been made and dismissed. I decline to hear this portion of the Tenant's application for lack of jurisdiction.

The Tenant has also made application for compensation pursuant to a notice served to end a tenancy for not using it for the stated purpose. Neither party has submitted a copy of the notice. I find without this notice that the Tenant has failed to provide that he has not established his claim and dismiss this portion of the claim.

Issue(s) to be Decided

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

Background and Evidence

The security deposit was \$750.00 held in trust by the Landlord. The Tenant has provided a letter dated June 30, 2011 which was the end of the tenancy. The letter provides in writing the Tenant's forwarding address in writing with a demand for the return of the security deposit of \$750.00. This letter was submitted by both parties. The Landlord has confirmed the receipt of the Tenant's letter. The Tenant states that the

Landlord has failed to return the \$750.00 security deposit within the allowed 15 days from the end of the tenancy or from when the forwarding address in writing was received by the Landlord. The Tenant states that as of the date of this hearing the Landlord has not yet returned the security deposit. The Landlord has not disputed the Tenant's claim.

Analysis

As both parties have attended the hearing and have made reference to the evidence submitted by both parties, I am satisfied that both have been properly served.

Based upon the submitted documentary and undisputed testimony of the Tenant, I find that the Tenant has established a claim for return double the security deposit. I grant the Tenant a monetary order for \$1,500.00 (\$750.00 security deposit X 2). The Tenant is also entitled to partial recovery of the filing fee. I award to the Tenant \$50.00 for his filing fee. The Tenant is granted a monetary order under section 67 for the balance due of \$1,550.00. 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 granted a monetary order for \$1,550.00.

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 31, 2011.

Residential Tenancy Branch