



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD, FF

Introduction

This hearing dealt with an application by the tenant for a monetary order for the return of double the security deposit and the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issue to be Decided

Did the tenant provide the landlord with her forwarding address in writing? Did the landlord return the security deposit in a timely manner? Is the tenant entitled to the return of double the security deposit? Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started on February 15, 2009 and ended on April 30, 2011. The monthly rent was \$1,075.00. At the start of the tenancy, the tenant paid a security deposit of \$525.00. Sometime around the middle of April, prior to moving out, the tenant gave the landlord her forwarding address in writing.

The landlord requested the tenant to provide proof of having paid the utility bills prior to returning the security deposit. The tenant did so on May 12, 2011 and the landlord mailed a cheque to the tenant on May 19, 2011.

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.

In this case, the tenant gave the landlord her forwarding address prior to moving out on April 30, 2011. I find that the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of the end of tenancy and is therefore liable under section 38(6), which provides that the landlord must pay the tenant double the amount of the security deposit. Accordingly, the landlord must return \$1,050 to the tenant. Since the tenant has proven her case she is also entitled to the recovery of the filing fee of \$50.00.

Overall the tenant has established a claim of \$1,100.00. The landlord has already returned \$525.00 to the tenant. Accordingly, I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for **\$575.00**, which represents double the security deposit plus the filing fee minus the amount returned to the tenant. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the tenant a monetary order in the amount of **\$575.00**.

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