



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNSD

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an order for return of the applicant's \$700.00 security deposit, and a request for recovery of the filing fee.

The applicant stated at the hearing that she is requesting return of double the security deposit.

Background and Evidence

The landlord testified that:

- The tenancy ended in November of 2010, and she had a forwarding address in writing by May 16, 2011.

- She was unaware of the 15 day time limit in which to return the security deposit or apply for dispute resolution and therefore is still holding the full security deposit.

Analysis

The Residential Tenancy Act states that, if the landlord does not either return the security deposit or apply for dispute resolution within 15 days after the later of the date the tenancy ends or the date the landlord receives the tenants forwarding address in writing, the landlord must pay the tenant double the amount of security deposit.

The landlord has not returned the tenants security deposit or applied for dispute resolution to keep any or all of tenant's security deposit and the time limit in which to apply is now well past.

This tenancy ended in November 2010 and the landlord had a forwarding address in writing by May 16, 2011 and there is no evidence to show that the tenant's right to return of the deposit has been extinguished.

Therefore the landlord must pay double the amount of the security deposit to the tenant.

The tenant paid a deposit of \$700.00 and therefore the landlord must pay \$1400.00 to the tenant.

I also order recovery of the \$50.00 filing fee.

Conclusion

I have issued a monetary order in the amount of \$1450.00.

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 24, 2011.

Residential Tenancy Branch