



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, FF

No hearing was held because even though I waited until well past the time at which the hearing was to start, the applicant did not join the conference call that was set up for the hearing.

I therefore dismiss this application without leave to re-apply and I have ordered the return of double the tenant's security deposit and pet deposit, because the tenants testified that the landlord never provided them with a copy of the move-out inspection report.

The Residential Tenancy Act states:

36(2)(c) Unless the tenant has abandoned the rental unit, the right of the landlord to claim against a security deposit or a pet damage deposit, or both, for damage to residential property is extinguished if the landlord having made an inspection with the tenant, does not complete the condition inspection report and give the tenant a copy of it in accordance with the regulations.

Therefore since the landlord failed to provide the tenants with a copy of the condition inspection report, the landlord did not have the right to file a claim against the security/pet deposits for damages and should have returned the deposit within the 15 day time limit required under the Residential Tenancy Act.

Further since the landlord did not return the deposit within the 15 day time frame the landlord is required to pay double the deposit.

The tenants paid a \$600.00 security deposit and a \$600.00 pet deposit on July 10, 2007, and therefore the landlord must returned double both those deposits for a total of \$2400.00 plus interest of \$26.76.

Conclusion

The landlords application is dismissed in full without leave to reapply and I have issued a monetary order against the landlord in the amount of \$2426.76.

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 25, 2011.

Residential Tenancy Branch