



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD, FF

### Introduction

This hearing was convened in response to an application by the Tenant pursuant to the Manufactured Home Park Tenancy Act for Orders as follows:

1. An Order for return of double the security deposit; and
2. An Order to recover the filing fee for this application.

The Tenant and Landlord were each given full opportunity to be heard, to present evidence and to make submissions.

### Preliminary Matter

As the Tenant's application was made under the Manufactured Home Park Tenancy Act in error and as neither Party objected to an amendment of the application, the application has been amended to be made under sections 38 and 72 of the *Residential Tenancy Act* (the "Act").

### Issue(s) to be Decided

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

Is the Tenant entitled to recovery of the filing fee?

### Background and Evidence

The relevant facts are as follows: The Parties agree that on February 28, 2011, a tenancy agreement was entered into to rent a manufactured home for the monthly rent of \$850.00 and that a security deposit in the amount of \$425.00 was given to the Landlord on this date by the Tenant. The Parties agree that the Tenant ended the agreement on March 25, 2011 in writing, providing her forwarding address. The Parties

agree that the Tenant did not occupy the unit prior to ending the agreement and the Landlord states that he agreed with the Tenant to formally end the agreement to enable the Landlord to seek new tenants. The Landlord states that the security deposit was not returned to the Tenant and that the Landlord did not make an application to retain all or part of the security deposit.

### Analysis

Section 38 of the Act provides that within 15 days after the later of the date the tenancy ends, and the date the landlord receives the tenant's forwarding address in writing, the landlord must repay the security deposit or make an application for dispute resolution claiming against the security deposit. Where a Landlord fails to comply with this section, the landlord must pay the tenant double the amount of the security deposit. As the Landlord failed to make an application for dispute resolution claiming against the security deposit, and failed to return the security deposit within 15 days of receipt of the Tenant's forwarding address, I find that the Tenant is entitled to return of double the security deposit in the amount of \$850.00 (425.00 x 2). The Tenant is also entitled to return of the filing fee for a total entitlement of \$900.00.

### Conclusion

I Grant the Tenant an Order under Section 67 of the Act for the amount of **\$900.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

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: September 08, 2011.

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Residential Tenancy Branch