



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 double recovery of the security deposit. The tenant and the landlord both participated in the teleconference hearing.

I have reviewed all evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Issue(s) to be Decided

Is the tenant entitled to double recovery of the security deposit?

Background and Evidence

The tenancy began on July 15, 2009. The tenant paid a security deposit of \$700 on July 2, 2009. The tenancy ended on May 15, 2011. The tenant provided the landlord with her written forwarding address on May 18, 2011. The landlord has not returned the security deposit or applied for dispute resolution to keep the deposit.

Analysis

Section 38 of the Residential Tenancy Act requires that 15 days after the later of the end of tenancy and the tenant providing the landlord with a written forwarding address, the landlord must repay the security deposit or make an application for dispute resolution. If the landlord fails to do so, then the tenant is entitled to recovery of double the base amount of the security deposit. In this case the tenancy ended on May 15, 2011, and the tenant provided her forwarding address in writing on May 18, 2011. I further find that the landlord has failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address in writing.

I find that the tenant has established a claim for double recovery of her security deposit, in the amount of \$1400. The tenant is also entitled to recover the \$50 filing fee for the cost of her application.

Conclusion

I grant the tenant an order under section 67 for the balance due of \$1450. 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 29, 2011.

Residential Tenancy Branch