



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

MNSD

### Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenant has made application for a monetary Order for return of double the pet deposit

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the evidence and testimony provided.

### Issue(s) to be Decided

Is the tenant entitled to return of double the pet deposit paid?

### Background and Evidence

The tenancy commenced on August 1, 2009; a pet deposit in the sum of \$400.00 was paid as part of September 2009 rent owed. The tenancy ended in July 2009 at which point a condition inspection report was completed and the tenant's forwarding address was supplied.

During the hearing the landlord checked the tenant ledger and confirmed that the tenant had indeed paid an additional \$400.00 pet deposit with his September 1, 2009 rent payment and that this deposit had not been returned to the tenant.

The tenant requested an additional compensation in the sum of \$191.00 for time his mother has had to take off from work to deal with this application. No evidence of loss of wage was provided; nor did the application include a request for compensation for loss of income.

### Analysis

Section 38(1) of the Act determines that the landlord must, within 15 days after the later of the date the tenancy ends and the date the landlord received the tenant's forwarding address in writing, repay the deposit or make an application for dispute resolution claiming against the deposit. If the landlord does not make a claim against the deposit paid, section 38(6) of the Act determines that a landlord must pay the tenant double the amount of pet deposit.

The landlord has confirmed that there was an oversight and that the pet deposit was not returned to the tenant within 15 days of July 2010; the landlord did not submit a claim against the deposit.

Therefore, pursuant to section 38(6) of the Act, and 67 of the Act, I find that the tenant is entitled to compensation in the sum of \$800.00; double the pet deposit paid.

The claim for loss of income is dismissed; the application did not clearly set out a claim for damage or loss under the Act; nor did the tenant provide any evidence that income was lost.

### Conclusion

I find that the tenant has established a monetary claim, in the amount of \$800.00, which is comprised of double the \$400.00 pet deposit.

Based on these determinations I grant the tenant a monetary Order for \$800.00. In the event that the landlord does not comply with this Order, it may be served on the landlord, filed with the Province of British Columbia 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 02, 2011.

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Residential Tenancy Branch