



Dispute Resolution Services

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 an order for the return of double his security and pet deposits. Both parties participated in the conference call hearing.

Issue to be Decided

Is the tenant entitled to the return of double his security and pet deposits?

Background and Evidence

The facts are not in dispute. The tenancy began on December 15, 2010 and ended on April 30, 2011. At the outset of the tenancy the tenant paid a security deposit of \$1,050.00 and a pet deposit of \$1,000.00. On April 26, the tenant gave the landlord his forwarding address in writing. On May 26, the landlord sent the tenant a cheque for \$1,725.00 as a partial return of the deposits.

Analysis

Section 38(1) of the Act provides that the landlord must return the security and pet deposits or apply for dispute resolution within 15 days after the later of the end of the tenancy and the date the forwarding address is received in writing. I find that the landlord was obligated to act no later than May 15, 2011 and I find that he failed to either repay the deposits or make an application for dispute resolution within this timeframe. The landlord is therefore liable under section 38(6) which provides that the landlord must pay the tenant double the amount of the deposits.

The tenant is entitled to an award of \$4,150.00 which represents double the two deposits and recovery of the \$50.00 filing fee paid to bring his application, to which I find he is entitled as his claim has been successful. The tenant has already received from the landlord \$1,725.00 of the deposits which leaves a balance of \$2,425.00 owing by the landlord to the tenant.

Conclusion

I grant the tenant an order under section 67 for \$2,425.00. 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 01, 2011

Residential Tenancy Branch