



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 her security deposit. At the hearing the tenant testified that she had served the landlord with her application for dispute resolution and notice of hearing by registered mail on May 30. I found that the landlord had notice of the claim made against her and the hearing proceeded in her absence.

Issue to be Decided

Is the tenant entitled to the return of double her security deposit?

Background and Evidence

The tenant's undisputed evidence is as follows. The tenancy began in June 2008 at which time the tenant paid a security deposit of \$800.00 and ended on May 30, 2010. On April 26, 2011 the tenant gave the landlord her forwarding address in writing by mailing the address to her via registered mail.

Analysis

Section 38(1) of the Act provides that the landlord must return the security deposit 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 the landlord received the tenant's forwarding address on May 1, 2011, 5 days after it was mailed, and I find that the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address and is therefore liable under section 38(6) which provides that the landlord must pay the tenant double the amount of the security deposit.

The landlord currently holds a security deposit of \$800.00 and I order her to return double this amount together with the \$6.56 in interest which has accrued to the date of this judgment. I find that the tenant should recover the \$50.00 filing fee paid to bring her application and I award her this sum. I award the tenant \$1,656.56.

Conclusion

I grant the tenant an order under section 67 for \$1,656.56. 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 07, 2011

Residential Tenancy Branch