



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by the tenant only. The landlord did not attend but did submit documentary evidence prior to the hearing.

The tenant testified she served the landlord with the notice of the hearing documents in person on June 22, 2011.

Based on this testimony and the submission of evidence from the landlord I accept the landlord was sufficiently served with notice of this dispute and hearing.

### Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to a monetary order for return of the security deposit, pursuant to Section 38 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The tenant testified the tenancy began in October or November 2010 as a month to month tenancy for a monthly rent of \$450.00 due on the 1<sup>st</sup> of each month and a security deposit of \$225.00 was paid.

The tenant testified that she vacated the rental unit on or before May 31, 2011 and that the landlord already had her forwarding address at this time.

### Analysis

Section 38(1) of the *Act* stipulates that a landlord must, within 15 days of the end of the tenancy and receipt of the tenant's forwarding address, either return the security deposit or file an Application for Dispute Resolution to claim against the security deposit. Section 38(6) stipulates that should the landlord fail to comply with Section 38(1) the landlord must pay the tenant double the security deposit.

In the absence of any testimony from the landlord disputing the above testimony and dispute the documentary evidence he submitted, I find the landlord has failed to comply with Section 38(1) and the tenant is entitled to double the amount of the security deposit.

Conclusion

I find the tenant is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$450.00** comprised of double the amount of the security deposit.

This order must be served on the landlord. If the landlord fails to comply with this order the tenant may file the order in the Provincial Court (Small Claims) and be 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 26, 2011.

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Residential Tenancy Branch