



# 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 named two respondents on the application, RD and DML. An agent for DML appeared and stated that they were not properly named as respondents, because they were not the landlord and not named as such on the tenancy agreement. The tenant agreed to amend her application to remove DML as a respondent on her application. Accordingly, I amended the application to remove DML as a respondent.

Despite having been served the notice of hearing and application for dispute resolution by registered mail on July 7, 2011, the landlord, RD, did not attend the hearing.

### Issue(s) to be Decided

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

### Background and Evidence

The tenancy began on October 7, 2009. The tenant paid a security deposit of \$675 at the outset of the tenancy. The tenancy ended on November 30, 2010. The tenant provided the landlord with her written forwarding address on January 16, 2011. The landlord has not returned the security deposit or applied for dispute resolution.

### 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 November 30, 2010, and the tenant provided her forwarding address in writing on January 16, 2011. 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 therefore find that the tenant has established a claim for double recovery of her security deposit, in the amount of \$1350. The tenant is also entitled to recover the \$50 filing fee for this application.

Conclusion

I grant the tenant an order under section 67 for the balance due of \$1400. 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: October 11, 2011.

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Residential Tenancy Branch