



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNSD, O

Introduction

This hearing dealt with an application by the tenant's seeking the return of double their security deposit. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Are the tenant's entitled to the return of double the security deposit?

Background and Evidence

The tenancy began on or about August 1, 2009 and ended on April 28, 2011. Rent in the amount of \$1350.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$675.00.

The tenant gave the following testimony; the tenancy ended on April 28, 2011, gave their forwarding address in writing on the same day, the landlord did not return the deposit nor made an application to retain the deposit within fifteen days of the tenancy ending or upon the receipt of their forwarding address in writing.

The landlord gave the following testimony; was aware that he was outside of the timelines for making an application to retain the security deposit but attributed it to some change of office personal and administrative errors but had every intention of returning the security deposit.

Analysis

Section 38 of the Act states that a landlord must repay the security deposit or make application for dispute resolution within 15 days of the later; of the tenancy ending or the date the landlord receives the tenant's forwarding address in writing.

Regardless that the intent of the landlord was to return the security deposit, they did not carry out the obligation and responsibility as required under the Act in the timeframe allowed.

The tenant's have satisfied me that they are entitled to the return of double the security deposit ($\$675.00 \times 2 = \1350.00)

The tenant has established a claim for \$1350.00. The tenant is also entitled to the recovery of the filing fee of \$50.00. I grant the tenant an order under section 67 for the balance due of \$1400.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

The tenants have been successful in their application.

Conclusion

The tenants are granted a monetary order for \$1400.00.

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: November 30, 2011.

Residential Tenancy Branch