



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 monetary order for the return of double the security deposit and for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions. This matter was originally heard on October 17, 2011 and adjourned to allow the owner of the property to be notified of this hearing.

Issue to be Decided

Did the tenant provide the landlord with her forwarding address in writing? Did the landlord return the security deposit in a timely manner? Is the tenant entitled to the return of double the security deposit? Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started on February 01, 2009 and ended on April 01, 2011. The monthly rent was \$1,120.00. At the start of the tenancy, the tenant paid a security deposit plus a pet deposit of \$990.00. On April 01, the day the tenant moved out, she provided the landlord with her forwarding address in writing.

The landlord stated that the tenant left the unit damaged and dirty. In addition the tenant owed rent and the landlord was in the process of negotiating a settlement with the tenant and therefore missed the 15 day deadline for the return of security deposit. The landlord has filed a claim for damages and this application will be heard on January 17, 2012.

During the hearing, the landlord expressed willingness to negotiate a settlement, but the tenant declined.

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.

In this case, the tenant gave the landlord her forwarding address on April 01, 2011. I find that the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of the end of tenancy and is therefore liable under section 38(6), which provides that the landlord must pay the tenant double the amount of the security deposit. Accordingly, the landlord must return \$1,980.00 to the tenant. Since the tenant has proven her case she is also entitled to the recovery of the filing fee of \$50.00.

Overall the tenant has established a claim of \$2,030.00. Accordingly, I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the tenant a monetary order in the amount of **\$2,030.00**.

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 14, 2011.

Residential Tenancy Branch