



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNSD

Introduction

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

Issues to be Decided

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

Background and Evidence

The tenancy began on or about January 15, 2011 and ended August 25, 2011. Rent in the amount of \$1000.00 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 \$500.00.

The tenant's gave the following testimony; made two attempts to have a "walk thru" with the landlord but was unsuccessful, notified the landlord on September 3, 2011 of their forwarding address, never heard back from the landlord and filed for dispute resolution, and are seeking the return of double the security deposit.

The landlord gave the following testimony; acknowledges receipt of the forwarding address on September 7, 2011, feels he should not return the security deposit since the tenant's broke the lease and is seeking compensation for lost rent.

Analysis

The tenant's are the sole applicant in this matter and as such I will address their application only. The landlord was seeking a monetary order however he has not applied for dispute resolution at this time.

Section 38(6)(b) entitles the tenant to the return of double the security deposit if the landlord does not return the deposit within 15 days of the later of the tenancy ending or receiving the tenant's forwarding address. The landlord did not file for dispute resolution or return the deposit as required.

The tenant's have been successful in their application.

The tenant's are entitled to the return of double their security deposit $\$500.00 \times 2 = \1000.00 .

As for the monetary order, I find that the tenant has established a claim for \$1000.00. The tenant is also entitled to recovery of the \$50.00 filing fee. I grant the tenant an order under section 67 for the balance due of \$1050.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenant is entitled to the return of double the security deposit.

The tenant is entitled to a monetary order for \$1050.00

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: December 12, 2011.

Residential Tenancy Branch