



# 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 and the landlord participated in the teleconference hearing.

### Issue(s) to be Decided

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

### Background and Evidence

The tenancy began on April 3, 2011. At the outset of the tenancy, the tenant paid a security deposit of \$850. The tenancy ended on August 31, 2011, and the tenant gave the landlord her written forwarding address on that date. The landlord deducted \$79.80 from the security deposit without the tenant's written consent, and on September 7, 2011 the landlord returned the balance of \$770.20 of the deposit to the tenant.

### 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 to keep part or all of the deposit in compensation for a monetary claim. 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 August 31, 2011 and the tenant provided her forwarding address in writing on that date. The landlord deducted an amount from the security deposit without the tenant's written consent or an order allowing the landlord to keep part of the security deposit. I therefore find that the tenant is entitled to double recovery of her security deposit.

As the tenant's application is successful, she is also entitled to recover the filing fee for the cost of her application.

Conclusion

The tenant is entitled to double the security deposit, in the amount of \$1700, less the amount of \$770.20 which the landlord paid the tenant on September 7, 2011. The tenant is also entitled to her \$50 filing fee. I grant the tenant an order under section 67 for the balance due of \$979.80. 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: December 16, 2011.

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Residential Tenancy Branch