



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. Despite having been served the notice of hearing and application for dispute resolution by registered mail on September 11, 2011, the landlord 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 January 1, 2009. The tenant paid a security deposit of \$700 on December 1, 2008. The tenancy ended on February 28, 2010. The tenant provided the landlord with their written forwarding address personally on February 28, 2010 and again by registered mail on October 25, 2010. 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 February 28, 2010, and the tenant provided their forwarding address in writing on that date as well as on October 25, 2010. 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 the security deposit of \$700, accrued interest

of \$0.89, and double the base amount of the security deposit in the amount of \$700, for a total of \$1400.89.

Conclusion

I grant the tenant an order under section 67 for the balance due of \$1400.89. 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 2, 2011.

Residential Tenancy Branch