



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an application by the tenants for an order for the return of double their security deposit. Both parties participated in the conference call hearing.

Issue to be Decided

Are the tenants entitled to a monetary order as claimed?

Background and Evidence

The facts are not in dispute. The tenancy began on December 1, 2006 and ended on August 31, 2011. On November 16, 2006, the tenants paid a security deposit of \$375.00. On August 1, 2011, the tenants gave the landlord their forwarding address in writing.

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 later date is the August 31, 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 the tenancy and is therefore liable under section 38(6) which provides that the landlord must pay the tenants double the amount of the security deposit.

The landlord currently holds a security deposit of 375.00 and I find that he is obligated under section 38 to return double this amount together with the \$11.60 in interest which has accrued to the date of this judgment. I further find that the tenants are entitled to recover the \$50.00 filing fee paid to bring their application. I award the tenants \$811.60.

Conclusion

I grant the tenant an order under section 67 for \$811.60 which includes the double security deposit, interest and the \$50.00 filing fee. 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: January 16, 2012

Residential Tenancy Branch