



# 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 tenants for recovery of their security deposit. Both tenants and the landlord participated in the teleconference hearing.

### Issue(s) to be Decided

Are the tenants entitled to recovery of the security deposit?

### Background and Evidence

The tenancy began on April 1, 2010. The tenants paid a security deposit of \$325 at the outset of the tenancy. The tenancy ended on April 1, 2011. The tenants applied for recovery of the base amount of their security deposit on October 23, 2011. The landlord has not returned the security deposit or applied for dispute resolution. In the hearing, the tenants confirmed that they were only seeking recovery of the base amount of their security deposit.

### 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 April 1, 2011. However, the tenants did not provide their forwarding address in writing before applying to keep their deposit. 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 tenants are not entitled to double recovery of their deposit but they are entitled to recovery of the base amount of their deposit, in the amount of \$325.

As the tenants were successful in their application, they are also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

I grant the tenants an order under section 67 for the balance due of \$375. 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 12, 2012.

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Residential Tenancy Branch