



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 double recovery of the security deposit. Despite having been served the notice of hearing and application for dispute resolution by registered mail on October 31, 2011, the landlord did not attend the hearing.

Issue(s) to be Decided

Are the tenants entitled to double recovery of the security deposit?

Background and Evidence

The tenancy began on September 1, 2010. At the outset of the tenancy, the tenants paid a security deposit of \$525 and a pet deposit of \$525. The tenancy ended on August 31, 2011. The tenants provided the landlord with their written forwarding address on September 12, 2011. 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 and pet deposits 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 deposits.

In this case, the tenancy ended on August 31, 2011, and the tenants provided their forwarding address in writing on September 12, 2011. The landlord has failed to repay the security and pet deposits or make an application for dispute resolution within 15 days of receiving the tenants' forwarding address in writing. I therefore find that the tenants have established a claim for double recovery of the pet and security deposits in

the amount of \$2100. The tenants are also entitled to recover the \$50 filing fee for this application.

Conclusion

I grant the tenants an order under section 67 for the balance due of \$2150. 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.

Residential Tenancy Branch