Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the tenant for an order for the return of double his security deposit. Despite having been served with the application for dispute resolution and notice of hearing via registered mail on December 30, the landlord did not participate in the conference call hearing.

Issue to be Decided

Is the tenant entitled to the return of double his security deposit?

Background and Evidence

The tenant's undisputed testimony is as follows.. The tenancy began on or about June 2010 and ended on November 30, 2011. At the outset of the tenancy the tenant paid a security deposit of $475.00. On December 2, 2011, the tenant gave the landlord his 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. I find the landlord received the tenant's forwarding address on December 2, 2011 and I find the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address and is therefore liable under section 38(6) which provides that the landlord must pay the tenant double the amount of the security deposit. I award the tenant $1,000.00 which represents the doubled security deposit and the $50.00 filing fee he paid to bring his application, which I find he is entitled to recover.

Conclusion

I grant the tenant an order under section 67 for $1,000.00. 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: March 07, 2012

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Residential Tenancy Branch