



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNDC, MNR, MNSD, FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order and an order permitting him to retain the security deposit as well as a cross-application by the tenant for an order for the return of double his security deposit. Both parties participated in the conference call hearing.

### Issues to be Decided

Is the landlord entitled to a monetary order as claimed?

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

### Background and Evidence

The facts are not in dispute. The tenancy began in August 2005 at which time the tenant paid a \$365.00 security deposit and ended on December 31, 2011. The tenant gave the landlord his forwarding address in writing on or about January 9, 2012. The landlord filed an application to retain the security deposit on January 18, 2012.

At the hearing, the landlord indicated that he was willing to withdraw his claim and return the security deposit to the tenant.

### Analysis

The tenant is not entitled to a return of double the security deposit as the landlord made his application for dispute resolution within 15 days of the time he received the tenant's forwarding address. As the landlord has withdrawn his claim, I find it appropriate to order the landlord to return to the tenant the \$365.00 security deposit together with the \$12.94 in interest which has accrued to the date of this judgment. I order the parties to each bear the cost of their own filing fees paid to bring their claims.

Conclusion

The landlord's claim has been withdrawn. I grant the tenant a monetary order under section 67 for \$377.94. This order may be filed in the Small Claims Division of the Provincial 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 22, 2012

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Residential Tenancy Branch