



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an application by the tenant for an award of double her security and pet deposits. Both parties participated in the conference call hearing.

Issue to be Decided

Is the tenant entitled to a monetary order as claimed?

Background and Evidence

The facts are not in dispute. The tenant paid a \$200.00 pet deposit and a \$425.00 security deposit on March 28, 2011. The tenant vacated the rental unit on November 30, 2011 and gave the landlord her forwarding address in writing on December 3, 2011.

The landlord testified that he did not return the security deposit because he had received insufficient notice that the tenancy was ending and because the tenant had failed to remove belongings from outside the unit.

Analysis

Section 38(1) of the Act provides that the landlord must return the security and pet deposits 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 3, 2011 and I find the landlord failed to repay the deposits or make an application for dispute resolution within 15 days of that date and is therefore liable under section 38(6) which provides that the landlord must pay the tenant double the amount of the security deposit.

The landlord is free to make a claim against the tenant for the losses he alleged he suffered.

Conclusion

I grant the tenant a monetary order under section 67 for \$1,250.00. 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 26, 2012

Residential Tenancy Branch