



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD, MNDC, FF

Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenants have made application for a monetary Order for return of double the security deposit and to recover the filing fee from the landlord for the cost of this Application for Dispute Resolution.

The tenant provided affirmed testimony that copies of the Application for Dispute Resolution and Notice of Hearing were sent to each landlord on April 5, 2012, via registered mail at the address noted on the Application. A Canada Post tracking number was provided as evidence of service to each landlord. The landlords were each served at their residential address, which is the upper floor of the rental unit building.

These documents are deemed to have been served in accordance with section 89 of the Act; however neither landlord attended the hearing.

Issue(s) to be Decided

Are the tenants entitled to return of double the deposit paid?

Are the tenants entitled to filing fee costs?

Background and Evidence

The tenants submitted a copy of a decision issued on March 14, 2012, in which the landlord was ordered to return the balance of the deposit, \$360.00, to the tenants within 15 days. A monetary Order was not issued to the tenants.

The landlord has not returned the deposit.

The tenants have requested return of double the amount ordered returned.

Analysis

The matter of the deposit and the amount owed to the tenants has been previously decided when the decision was issued on March 14, 2012.

In the absence of an Order issued to the tenants, I find, pursuant to section 62(3) of the Act, that the tenants are entitled to a monetary Order in the sum previously ordered returned to them; \$360.00.

As the amount owed has already been decided I find that the claim for return of double the deposit is dismissed.

As the landlord did not comply with the order that the balance of the deposit be returned within fifteen days of March 14, 2012, I find that the tenants are entitled to filing fee costs.

Conclusion

I find that the tenants have established a monetary claim, in the amount of \$410.00, which is comprised of the deposit ordered returned to the tenants on March 14, 2012, and \$50.00 in compensation for the filing fee paid by the tenants for this Application for Dispute Resolution.

Based on these determinations I grant the tenants a monetary Order for \$410.00. In the event that the landlord does not comply with this Order, it may be served on the landlord, filed with the Province of British Columbia 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: April 26, 2012.

Residential Tenancy Branch