



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNSD

Introduction

Some documentary evidence, photo evidence, and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on April 12, 2012; however the respondent(s) did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$6,700.00 and request for recovery of the \$100.00 filing fee.

Background and Evidence

The applicants testified that:

- At the beginning of the tenancy they paid a security deposit of \$2850.00, and a pet deposit of \$500.00 for a total of \$3350.00.
- The tenancy ended on March 1, 2012, and on March 3, 2012 the landlord was served with a forwarding address in writing.
- On March 3, 2012 the landlord gave them a post-dated cheque for the return of the full security deposit and pet deposit. The check was dated for March 18, 2012.

- They have made several attempts to cash the cheque however each time they have tried the cheque has not been honoured by the bank.
- The dates they attempted to cash the cheque at as follows:
 - March 20, 2012
 - March 21, 2012
 - March 27, 2012
 - April 4, 2012
- Since they have been unable to cash the cheque they decided to apply for dispute resolution and are now asking for an order for return of double the security/pet deposits, because the landlord did not return them within the 15 day time frame set out under the Residential Tenancy Act.

Analysis

The Residential Tenancy Act states that, if the landlord does not either return the security/pet deposit or apply for dispute resolution within 15 days after the later of the date the tenancy ends or the date the landlord receives the tenants forwarding address in writing, the landlord must pay the tenant double the amount of security/pet deposit.

Since the cheque supplied by the landlord to the tenants has not been honoured by the bank, landlord has not yet returned the tenants security/pet deposit, nor has the landlord applied for dispute resolution to keep any or all of tenant's security/pet deposit and the time limit in which to apply is now past.

This tenancy ended on March 1, 2012 and the landlord had a forwarding address in writing by March 3, 2012, and there is no evidence to show that the tenant's right to return of the deposits has been extinguished.

Therefore the landlord must pay double the amount of the security/pet deposit to the tenant.

The tenants paid a combined security/pet deposit totaling \$3350.00 and therefore the landlords must pay \$6,700.00 to the tenants.

I also order recovery of the \$100.00 filing fee

Conclusion

I have issued an order for the respondents to pay \$6,800.00 to the applicants.

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 24, 2012.

Residential Tenancy Branch