



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

Some documentary 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 testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on February 28, 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 return of double the security deposit plus interest. The applicant is also requesting recovery of the filing fee

Background and Evidence

The applicant testified that:

- On August 19, 2004 he paid the security deposit of \$368.00 and the tenancy began on September 1, 2004.
- On December 21, 2011 he gave the landlord notice to end the tenancy and provided a forwarding address in writing on that same date.
- He vacated on January 28, 2012 however to date the landlord has failed to return his security deposit.

Analysis

The Residential Tenancy Act states that, if the landlord does not either return the security 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 deposit.

The landlord has not returned the tenants security deposit or applied for dispute resolution to keep any or all of tenant's security deposit and the time limit in which to apply is now past.

This tenancy ended on January 28, 2012 and the landlord had a forwarding address in writing by December 21, 2011, and there is no evidence to show that the tenant's right to return of the deposit has been extinguished.

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

The applicant has provided evidence that shows that he paid a security deposit of \$368.00, and therefore the landlord must pay \$736.00 , plus interest of \$13.03 for a total of \$749.03 to the applicant.

I further order recovery of the \$50.00 filing fee.

Conclusion

I have issued an order for the respondents to pay \$799.03 to the applicant.

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 30, 2012.

Residential Tenancy Branch