



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNSD FF

Introduction

This hearing dealt with an application by the tenant for double recovery of the security deposit. Both the tenant and an agent for the landlord participated in the teleconference hearing.

The landlord did not raise any issues regarding service of the application or the evidence. I have reviewed all testimony and other evidence. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Issue(s) to be Decided

Is the tenant entitled to double recovery of the security deposit?

Background and Evidence

The tenancy began in September 2011. The tenant paid a security deposit of \$212.50 at the outset of the tenancy. The tenancy ended on December 31, 2011. The tenant provided the landlord with his written forwarding address prior to January 14, 2012. The landlord sent the tenant a cheque in the amount of \$92.01. The tenant did not give the landlord permission to deduct any amount from the security deposit. The landlord has not returned the security deposit or applied for dispute resolution.

Analysis

Section 38 of the Residential Tenancy Act requires that 15 days after the later of the end of tenancy and the tenant providing the landlord with a written forwarding address, the landlord must repay the security deposit or make an application for dispute resolution. If the landlord fails to do so, then the tenant is entitled to recovery of double the base amount of the security deposit.

In this case, the tenancy ended on December 31, 2011, and the tenant provided his forwarding address in writing in January 2012. The landlord made a deduction from the security deposit without either the tenant's written authorization or by making an application to for dispute resolution to retain any portion of the deposit. I therefore find that the tenant has established a claim for double the security deposit, in the amount of \$425, less the amount returned of \$92.01, for a total of \$332.99. The tenant is also entitled to recover the \$50 filing fee for this application.

Conclusion

I grant the tenant an order under section 67 for the balance due of \$382.99. 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: April 17, 2012.

Residential Tenancy Branch