



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD

### Introduction

This hearing dealt with an application by the tenant for double recovery of the security deposit. One tenant and both landlords participated in the teleconference hearing.

### Issue(s) to be Decided

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

### Background and Evidence

The tenancy began in November 2010. At the outset of the tenancy, the tenants paid a security deposit of \$550. The tenancy ended on December 31, 2011. The tenants provided the landlord with their written forwarding address on November 30, 2011. The landlord returned the base amount of the security deposit on February 17, 2012. The landlord stated that he was having personal issues at the time, and acknowledged that he did not mail the tenant's security deposit until the end of January 2012.

### 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 tenants provided their forwarding address in writing on November 30, 2011, and the tenancy ended on December 31, 2011. The landlord did not repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address in writing. I therefore find that the tenants are entitled to double recovery of their security deposit.

Conclusion

The tenants have already received a cheque in the amount of \$550, and I therefore grant them a monetary order for the balance of \$550. 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 20, 2012.

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Residential Tenancy Branch