



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an application by the tenant for an order for the return of double his security deposit. Both parties participated in the conference call hearing.

Issue to be Decided

Is the tenant entitled to the return of double his security deposit?

Background and Evidence

The facts are not in dispute. The tenancy began on July 1, 2008 and ended on January 31, 2012, although the landlord claimed that the tenant did not completely vacate the unit on that date. At the outset of the tenancy the tenant paid a security deposit of \$300.00. On December 30, 2011, the tenant gave the landlord his forwarding address in writing.

Analysis

Section 38(1) of the Act provides that the landlord must return the security deposit or apply for dispute resolution within 15 days after the later of the end of the tenancy and the date the forwarding address is received in writing. I find the landlord received the tenant's forwarding address on December 30 and that the tenant vacated the unit in early February 2012. I find that the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of the end of the tenancy and is therefore liable under section 38(6) which provides that the landlord must pay the tenant double the amount of the security deposit.

I note that the landlord claimed that loss was suffered as a result of damage to the unit. The landlord is free to file a claim against the tenant.

Conclusion

I award the tenant \$602.26 which represents the double security deposit and \$2.26 in interest which has accrued to the date of this judgment and I grant him a monetary order for that sum. 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 25, 2012

Residential Tenancy Branch