



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 her security deposit, recovery of an NSF cheque fee and recovery of her filing fee. Both parties participated in the conference call hearing.

At the hearing the parties agreed that since the date the application was filed, the landlord had returned \$232.00 to the tenant and the tenant agreed to reduce her claim by that amount.

Issue to be Decided

Is the tenant entitled to a monetary order as claimed?

Background and Evidence

The facts are not in dispute. The tenancy began on April 1, 2010 and ended on December 31, 2011. At the outset of the tenancy the tenant paid a security deposit of \$300.00. In mid-January, the tenant gave the landlord her forwarding address in writing. Within 15 days of having received the tenant's address, the landlords sent the tenant a cheque for \$225.00. The tenant cashed the cheque but several days later it was returned by the bank for insufficient funds, causing the tenant to incur a \$7.00 returned cheque fee.

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 landlords received the tenant's forwarding address in mid-January and although they attempted to return part of the deposit, the cheque sent was not negotiable. I therefore find that the landlords failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address and are therefore liable under

section 38(6) which provides that the landlords must pay the tenant double the amount of the security deposit. After crediting the tenant with the \$232.00 she has received from the landlords, I find that she is entitled to an award of \$425.00 which represents the double deposit and recovery of the NSF and filing fees.

Conclusion

I grant the tenant an order under section 67 for \$425.00. 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 11, 2012

Residential Tenancy Branch