



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

*MNSD, FF*

### **Introduction**

This hearing dealt with an application by the tenant for a monetary order for the return of double the security deposit, for an order directing the landlord to comply with the *Act* and for the recovery of the filing fee.

Service of the hearing document, by the tenant to the landlord, was done in accordance with section 88 of the *Residential Tenancy Act*, sent via registered mail on March 09 2012. The tenant provided a tracking number. Despite having been served the notice of hearing, the landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

Since the tenancy has ended the tenant's application for an order directing the landlord to comply with the *Act* is moot and accordingly dismissed.

### **Issue(s) to be Decided**

Is the tenant entitled to the return of double the security deposit and the filing fee?

### **Background and Evidence**

The tenancy began on January y 01, 2012 and ended on January 31, 2012. The monthly rent was \$450.00. Prior to moving in, the tenant paid a security deposit of \$225.00. There was no written tenancy agreement. The tenant stated that prior to moving in; she informed the landlord that she would be renting the unit for only one month.

The tenant testified that on January 30, 2012, she met with the landlord and wrote her forwarding address in the landlord's note book.

At first, the landlord informed the tenant that she would not returning the security deposit but later added that she would do so within 15 days. The tenant did not hear back from the landlord.

### **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.

Based on the sworn testimony of the tenant and in the absence of any contradictory evidence, I find that the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address and is therefore liable under section 38(6), which provides that the landlord must pay the tenant double the amount of the security deposit.

The landlord currently holds a security deposit of \$225.00 and is obligated under section 38 to return double this amount (\$450.00) plus interest on the base deposit (\$0.00). Since the tenant has proven her claim, she is also entitled to the recovery of the filing fee (\$50.00).

I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for **\$500.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court

### **Conclusion**

I grant the tenant a monetary order for **\$500.00**.

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: May 10, 2012.

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Residential Tenancy Branch