



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an application by the tenants for an order for the return of double their security and pet deposits. Both parties participated in the conference call hearing.

Issue to be Decided

Are the tenants entitled to the return of double their security and pet deposits?

Background and Evidence

The facts are not in dispute. The tenancy began on September 1, 2010 and ended on November 28, 2010. At the outset of the tenancy the tenants paid a security deposit of \$600.00 and a pet deposit of \$600.00. On November 28, the tenants gave the landlord their forwarding address in writing on the condition inspection report. The landlord has not returned the security or pet deposits or filed a claim against them.

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 that both of these events occurred on November 28, 2010 and I find that the landlord failed to repay the security and pet deposits or make an application for dispute resolution within 15 days and is therefore liable under section 38(6) which provides that the landlord must pay the tenants double the amount of the security and pet deposits. I award the tenants \$2,400.00.

I find that the tenants are also entitled to recover the \$50.00 filing fee paid to bring their application and I award them \$50.00.

Conclusion

I grant the tenants a monetary order under section 67 for \$2,450.00 which includes the double security and pet deposits and the \$50.00 filing fee. 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: May 03, 2012

Residential Tenancy Branch