



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNSD

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed on March 27, 2012, however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$750.00 and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicants testified that:

- The tenancy began on September 11, 2011 and at that time they paid a \$325.00 security deposit and a \$50.00 pet deposit.
- The tenancy ended on February 29, 2012, and a forwarding address in writing was given to the landlord on January 30, 2012, along with the Notice to End Tenancy.

- To date the landlord has failed to return any of their security deposit or pet deposit.

Analysis

The Residential Tenancy Act states that, if the landlord does not either return the security/pet deposit or apply for dispute resolution within 15 days after the later of the date the tenancy ends or the date the landlord receives the tenants forwarding address in writing, the landlord must pay the tenant double the amount of security/pet deposit.

The landlord has not returned the tenants security/pet deposit or applied for dispute resolution to keep any or all of tenant's security/pet deposit and the time limit in which to apply is now past.

This tenancy ended on February 29, 2012 and the landlord had a forwarding address in writing by January 30, 2012 and there is no evidence to show that the tenant's right to return of the deposits has been extinguished.

Therefore the landlord must pay double the amount of the security/pet deposit to the tenant.

The tenants paid a combined deposit of \$375.00 and therefore the landlord must pay \$750.00 to the tenants.

I also order recovery of the \$50.00 filing fee.

Conclusion

I have issued an order for the respondent to pay \$800.00 to the applicants.

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 28, 2012.

Residential Tenancy Branch