



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for return of the security deposit - Section 38; AND
2. An Order to recover the filing fee for this application - Section 72.

The Tenant and Landlord were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Tenant entitled to return of double the security deposit?

Background and Evidence

The tenancy began on September 1, 2010 and ended on December 31, 2011. At the outset of the tenancy, the Landlord collected a security deposit from the Tenants in the amount of \$492.50. The Tenant provided the forwarding address in writing on January 2, 2012. The Landlord states that the Tenant did not provide sufficient notice to end the tenancy. The Landlord is not able to confirm that an application to retain the security deposit has been filed and states that the security deposit has not been returned..

Analysis

Section 38 of the Act provides that within 15 days after the later of the date the tenancy ends, and the date the landlord receives the tenant’s forwarding address in writing, the landlord must repay the security deposit or make an application for dispute resolution claiming against the security deposit. Where a Landlord fails to comply with this

section, the landlord must pay the tenant double the amount of the security deposit. As the Landlord failed to make an application for dispute resolution claiming against the security deposit, and failed to return the security deposit within 15 days of receipt of the Tenant's forwarding address, I find that the Landlord is required to pay the Tenants double the security deposit in the amount of **\$985.00**. The Tenant is also entitled to return of the filing fee for a total entitlement of **\$1,030.00**.

Conclusion

I Grant the Tenant an Order under Section 67 of the Act for the amount of **\$1,030.00**. If necessary, 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 Act.

Dated: June 07, 2012.

Residential Tenancy Branch