



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MND, MNR, MNDC, FF

Introduction

This hearing was convened in response to applications by the tenants and the landlord.

The tenants' application is seeking orders as follows:

1. Return of double the security deposit; and
2. Recover the cost of filing the application.

The landlord's application is seeking orders as follows:

1. For a monetary order for unpaid utilities;
2. For a monetary order for damages to the unit;
3. For money owed or compensation under the Act; and
4. Recover the cost of filing the application.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

During the course of the hearing the landlord withdrew her application. The landlord is granted leave to reapply.

Issue(s) to be Decided

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

Background and Evidence

The tenancy began on September 23, 2011. Rent in the amount of \$1,500.00 was payable on the first of each month. A security deposit of 750.00 was paid by the tenants.

The tenants testified that they provided the landlord with an email of their forwarding address. The tenants stated they also served a copy of the forwarding address on the landlord, however, they are uncertain of the date.

The landlord's evidence was she received the tenants forwarding address on April 1, 2012 and filed her application within the timelines under the Act.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The evidence of the tenants was that they were uncertain as to the date the landlord was served with a copy of their forwarding address. The evidence of the landlord was she received the tenants forwarding address on April 1, 2012.

As the landlord did file an application for dispute resolution within the 15 days of receiving the forwarding address the tenants are not entitled to double the security deposit. However, as the landlord has withdrawn her application the tenants are entitled to the return of the deposit.

Therefore, I grant the tenants' a monetary order in the amount of \$800.00 comprise of the return of the security deposit and the \$50.00 paid for filing the application. This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court

After the hearing the tenants sent in additional evidence, however, I did not administer or consider that evidence as the hearing had concluded.

Conclusion

The tenants are granted a monetary order in the above amounts.

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: June 01, 2012.

Residential Tenancy Branch