



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

### **Dispute Codes:**

MNSD, FF

### **Introduction**

This Dispute Resolution hearing was convened to deal with an Application by the tenant for a monetary order for the return of double the security deposit retained by the landlord.

Despite being served by registered mail sent on June 20, 2012, the respondent did not appear.

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

The tenant was seeking to receive a monetary order for the return of the security deposit not yet refunded by the landlord.

The issues to be determined based on the testimony and the evidence is whether the tenant is entitled to the return of the security deposit pursuant to section 38 of the Act.

### **Background and Evidence**

Submitted into evidence was a copy of a previous dispute resolution hearing decision dated February 22, 2012, in which the landlord was partially successful in a claim for damages against the tenant's security deposit. It was determined that the remainder of the security deposit was to be refunded to the tenant in the amount of \$725.00.

The tenant testified that, after the landlord's application was heard, the tenant expected to receive the remaining refund as the dispute resolution officer had directed. The tenant testified that the landlord has not refunded the amount owed and is now seeking a Monetary Order for the above amount.

### **Analysis**

In regard to the return of the security deposit and pet damage deposit, I find that section 38 of the Act provides that, within 15 days after the later of the day the tenancy ends, and the date the landlord receives the tenant's forwarding address in writing, the landlord must either repay the security deposit to the tenant with interest or obtain an order to keep all or part for damages or money owed. I find that the landlord received a

decision on February 22, 2012 and can only retain the amount that was ordered and must therefore return the remainder still being held in trust for the tenant.

I find that the tenant is entitled to a monetary order based on the previous decision, in the amount of \$725.00 plus an additional \$50.00 for the cost of this application.

### **Conclusion**

Based on the testimony and evidence presented during these proceedings, I find that the tenant is entitled to compensation of \$775.00. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) 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: August 22, 2012.

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Residential Tenancy Branch