



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD

### Introduction

This hearing was convened as the result of the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking a monetary order for a return of her security deposit, doubled.

The tenant and her advocate appeared; the landlord did not appear.

The tenant gave evidence that each landlord was served with her Application for Dispute Resolution and Notice of Hearing by registered mail on August 3, 2012. The tenant supplied testimony of the tracking numbers of each of the registered mail envelopes.

I find the landlords were served in a manner complying with section 89 of the Residential Tenancy Act (the "Act") and the hearing proceeded in the landlords' absence.

The tenant was provided the opportunity to present her evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure; however, I refer to only the relevant evidence regarding the facts and issues in this decision.

### Issue(s) to be Decided

Is the tenant entitled to a monetary order comprised of her security deposit, doubled?

### Background and Evidence

The tenant gave evidence that this tenancy began on November 1, 2011, ended on or about February 24, 2012, monthly rent was \$500.00 and the tenant paid a security deposit of \$200.00 at the beginning of the tenancy.

The tenants' monetary claim is in the amount of \$400.00, comprised of her security deposit of \$200.00, doubled.

The tenant's evidence shows that the landlords were provided her written forwarding address in a letter dated July 12, 2012, sent via registered mail, that she did not agree to allow the landlords to make any deductions from her security deposit and that to date, the landlords have not returned any portion of her security deposit.

### Analysis

Based on the relevant oral and written evidence, and on a balance of probabilities, I find that the landlord is in breach of the Act.

Under section 38 of the Act, at the end of a tenancy a landlord is required to either return a tenant's security deposit or to file an application for dispute resolution to retain the security deposit within 15 days of the later of receiving the tenant's forwarding address in writing and the end of the tenancy. If a landlord fails to comply, then the landlord must pay the tenant double the security deposit.

In the case before me, I accept the undisputed evidence that the last date of the tenancy was February 24, 2012, the landlords were deemed to have received the tenant's written forwarding address on July 17, 2012, five days after the tenant sent a letter via registered mail on July 12, 2012, containing the forwarding address, the tenant has not agreed to any deductions from her security deposit, the landlord has not applied for arbitration claiming against the security deposit and has not returned any portion of the tenant's security deposit.

Based on the above, I find that the landlord failed to comply with Section 38 of the *Act* and I therefore find the tenant is entitled to a return of her security deposit, doubled, pursuant to Section 38(6) of the *Act*.

I therefore find the tenant has proven her a monetary claim in the amount of \$400.00, comprised of double the base amount of her security deposit of \$200.00.

I therefore grant the tenant a final, legally binding monetary order in the amount of \$400.00, which I have enclosed with the tenant's Decision.

Should the landlords fail to pay the tenant this amount without delay, the order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an order of that Court.

Conclusion

The tenant is granted a monetary order for \$400.00.

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* and is being mailed to both the applicant and the respondents.

Dated: October 30, 2012.

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Residential Tenancy Branch