



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD, FF

### Introduction

This hearing dealt with an application by the tenant for an order for the return of double his security deposit. Despite having been served with the application for dispute resolution and notice of hearing sent via registered mail on August 30, 2012, the landlord did not participate in the conference call hearing.

### Issue to be Decided

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

### Background and Evidence

The tenant's undisputed evidence is as follows. The tenancy began on September 13, 2008 and ended on March 11, 2012. At the outset of the tenancy the tenant paid a security deposit of \$475.00. On March 24, 2012, the tenant gave the landlord his forwarding address in writing by sending it to the landlord via registered mail. The tenant submitted tracking information provided on the Canada Post website showing that the landlord accepted the registered letter on March 28, 2012.

### Analysis

Section 38(1) of the Act provides that the landlord must return the security deposit or apply for dispute resolution within 15 days after the later of the end of the tenancy and the date the forwarding address is received in writing. I find that the tenancy ended on March 11, 2012 and that the landlord received the tenant's forwarding address on March 28, 2012 and I find the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address and is therefore liable under section 38(6) which provides that the landlord must pay the tenant double the amount of the security deposit.

The landlord currently holds a security deposit of \$475.00 and I find that she is obligated under section 38 to return double this amount together with the \$2.14 in interest which has accrued to the date of this judgment. I award the tenant \$952.14.

I further find that the tenant is entitled to recover the \$50.00 filing fee paid to bring his application and I award him \$50.00.

Conclusion

I grant the tenant an order under section 67 for \$1,002.14 which includes the double security deposit, interest and the \$50.00 filing fee. 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 *Residential Tenancy Act*.

Dated: November 15, 2012

---

Residential Tenancy Branch