



Dispute Resolution Services

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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 double recovery of the security deposit. Both tenants and both landlords participated in the teleconference hearing.

At the outset of the hearing, each party confirmed that they had received the other party's evidence. Neither party raised any issues regarding service of the application or the evidence. I have reviewed all testimony and other evidence. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Issue(s) to be Decided

Are the tenants entitled to double recovery of the security deposit?

Background and Evidence

The tenancy began on August 31, 2010. At the outset of the tenancy, the tenants paid a security deposit of \$400. The tenancy ended on April 30, 2012. The tenants provided the landlord with their written forwarding address on or about May 4, 2012, on the move-out inspection report. The landlord has not returned the security deposit or applied for dispute resolution.

Analysis

Section 38 of the Residential Tenancy Act requires that 15 days after the later of the end of tenancy and the tenant providing the landlord with a written forwarding address, the landlord must repay the security deposit or make an application for dispute resolution. If the landlord fails to do so, then the tenant is entitled to recovery of double the base amount of the security deposit.

In this case, the tenancy ended on April 30, 2012, and the tenants provided their forwarding address in writing by May 4, 2012. The landlord has failed to repay the

security deposit or make an application for dispute resolution within 15 days of receiving the tenants' forwarding address in writing. I therefore find that the tenants are entitled to double recovery of their security deposit, in the amount of \$800.

As the tenants were successful in their application, they are also entitled to recover the \$50 filing fee for the cost of their application.

Conclusion

I grant the tenant an order under section 67 for the balance due of \$850. 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 5, 2012.

Residential Tenancy Branch