



# 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 tenants for double recovery of the security deposit. The tenants and an agent for the landlord participated in the teleconference hearing.

At the outset of the hearing, the landlord confirmed that she had received the tenants' application and their evidence. The landlord did not submit any documentary 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

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

### Background and Evidence

The tenancy began on November 1, 2011. At the outset of the tenancy, the tenants paid the landlord a security deposit of \$637.50. The tenancy ended on July 31, 2012. The tenants provided the landlord with their written forwarding address on July 21, 2012. The landlord has not returned the security deposit or applied for dispute resolution. The landlord did not dispute these facts.

### 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 July 31, 2012, and the tenants provided their forwarding address in writing on July 21, 2012. The landlord has failed to repay the security deposit or make an application for dispute resolution within 15 days of the end of the tenancy. I therefore find that the tenants have established a claim for double recovery of their security deposit, in the amount of \$1275.

As their application was successful, the tenants are also entitled to recovery of the \$50 filing fee for the cost of their application.

### Conclusion

I grant the tenants an order under section 67 for the balance due of \$1325. 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 23, 2012.

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Residential Tenancy Branch