



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNSD

Introduction

This hearing dealt with an application by the tenant for double recovery of the security and pet deposits. The tenant served the landlord the notice of hearing and application for dispute resolution by registered mail on September 28, 2012 at the address provided by the landlord. However, the landlord did not attend the hearing. I found that the landlord was deemed served with notice of the hearing on October 3, 2012, and I proceeded with the hearing in the landlord's absence.

Issue(s) to be Decided

Is the tenant entitled to double recovery of the security and pet deposits?

Background and Evidence

The tenancy began on March 1, 2012. At the outset of the tenancy, the tenant paid a security deposit of \$550 and a pet deposit of \$225. The tenancy ended on July 27, 2012. The tenant provided the landlord with her written forwarding address in her application for dispute resolution. The landlord has not returned the security or pet deposits 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 and pet deposits or make an application for dispute resolution to keep the deposits. If the landlord fails to do so, then the tenant is entitled to recovery of double the base amount of the deposits.

In this case, the tenancy ended on July 27, 2012, and the landlord was deemed served with the tenant's forwarding address in writing on October 3, 2012. The landlord has failed to repay the deposits or make an application for dispute resolution within 15 days

of receiving the tenant's forwarding address in writing. I therefore find that the tenant has established a claim for the double the security and pet deposits, for a total of \$1550.

Conclusion

I grant the tenant an order under section 67 for the balance due of \$1550. 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: January 7, 2013.

Residential Tenancy Branch