



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 in response to an application by the tenant for an Order for the return of double their security deposit.

The tenant and landlord both participated in the conference call hearing.

Issue(s) to be Decided

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

Background and Evidence

The undisputed evidence is as follows. The tenant paid a combined security and pet damage deposit of \$350.00 at the outset of the tenancy in June 2011. The tenancy ended October 01, 2012. The landlord acknowledges that prior to vacating the unit they received from the tenant their forwarding address written in a letter. The parties agree that the tenant was sent a cheque for the majority of the deposit (\$270.00) dated on or about October 26, 2012. The tenant testified that they owed the landlord a quantum for a broken screen, and effectively agrees with the landlord's withholding of \$80.00 for that purpose.

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 as the landlords received the tenant's forwarding address prior to the tenant vacating, the landlords failed to repay the security deposit or make an application for dispute resolution within 15 days of the tenancy ending on October 01, 2012 (October 16, 2012) and are therefore liable under section 38(6) which provides that the landlords must pay the tenant double the amount of the security deposit.

The landlord returned the majority of the \$350.00 deposit after October 16, 2012, and I find that they are obligated under section 38 to have returned double this amount minus the \$80.00 for the agreed repair. Therefore, I grant the tenant an award in

compensation under Section 38 of the Act, calculated as follows, with no applicable interest.

Double deposits of \$350.00	\$700.00
Minus agreed amount to landlord	- \$ 80.00
Minus amount returned to tenant	- \$270.00
<i>Award to tenant</i>	<hr/> \$350.00

Conclusion

I grant the tenant an Order under section 67 for **\$350.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an order of that Court.

This Decision is final and binding on both parties.

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 23, 2013

Residential Tenancy Branch

