



# 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 and pet deposits. Despite having been served the notice of hearing and application for dispute resolution by registered mail on October 30, 2012, the landlord did not attend the hearing.

### Issue(s) to be Decided

Are the tenants entitled to double recovery of the security and pet deposits?

### Background and Evidence

The tenancy began on September 1, 2010. The tenants paid the landlord a security deposit of \$800 in August 2009, which was carried over from a previous lease. On September 15, 2012 the tenants paid the landlord a pet deposit of \$400. The tenancy ended on August 31, 2012. The tenants provided the landlord with their written forwarding address on August 15, 2012. The landlord returned \$500 of the deposits on September 24, 2012, and the remaining \$700 on January 22, 2013.

### 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. 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 tenants provided their forwarding address in writing on August 15, 2012, and the tenancy ended on August 31, 2012. The landlord has failed to repay the security or pet deposits or make an application for dispute resolution within 15 days of the end of the tenancy. I therefore find that the tenants are entitled to double recovery of

the security and pet deposits, in the amount of \$2400. As the landlord already paid the tenants \$1200, I deduct that amount from the monetary award.

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 tenants an order under section 67 for the balance due of \$1250. 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 31, 2013

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Residential Tenancy Branch

