



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 hearing first convened on December 21, 2012. At that time, the landlord's agent requested an adjournment because the landlord was seriously ill. I granted the adjournment, and the hearing reconvened on January 23, 2013. The landlord's agent and both tenants participated in the teleconference hearing on both dates.

The landlord submitted evidence that he did not serve on the tenants. I did not admit or consider that evidence. I have reviewed all evidence before me that met the requirements of the rules of procedure. 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 September 15, 2011. At the outset of the tenancy, the tenants paid the landlord a security deposit of \$500. The tenancy ended on August 31, 2012. The tenant provided the landlord with their written forwarding address on September 16, 2012. The landlord has not returned the security deposit or applied for dispute resolution to keep the deposit. 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 August 31, 2012, and the tenants provided their forwarding address in writing on September 16, 2012. The landlord has failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address in writing. I therefore find that the tenants have established a claim for double recovery of the security deposit, in the amount of \$500.

The tenants 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 \$1050. 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

Residential Tenancy Branch

