



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD, FF

Introduction

This hearing dealt with an application by the tenant for a monetary order for the return of double the security and pet deposits and for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issue to be Decided

Did the tenant provide the landlord with her forwarding address in writing? Did the landlord apply to retain the security deposit or return the security deposit in a timely manner? Is the tenant entitled to the return of double the security deposit? Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started in September, 2009 and ended on August 01, 2012. The monthly rent was \$1,200.00. At the start of the tenancy, the tenant paid a security deposit of \$600.00 and a pet deposit of \$600.00. The landlord agreed that he received the tenant's forwarding address on or about August 04, 2012.

The landlord stated that the tenant had caused damage to the rental unit and that it was in no condition to be re rented. The landlord stated that the carpet was ruined, smelled bad and had to be replaced. The landlord attempted to work out a plan with the tenant to perform some of the work which would impact the cost of replacing the carpet. The parties were unable to reach an agreement. The landlord stated that he had suffered a loss of income in addition to the costs in excess of \$8,000.00 to restore the unit to a condition in which it could be re rented. The tenant denied having caused damage to the rental unit.

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.

In this case, the tenant gave the landlord her forwarding address on August 04, 2012. I find that the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address and is therefore liable under section 38(6), which provides that the landlord must pay the tenant double the amount of the deposit. The landlord currently holds \$600.00 for a security deposit and \$600.00 for a pet deposit. Accordingly, the landlord must return \$2,400.00 to the tenant. Since the tenant has proven her case she is also entitled to the recovery of the filing fee of \$50.00.

Overall the tenant has established a claim of \$2,450.00. Accordingly, I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for **\$2,450.00**, which represents double the security and pet deposits plus the filing fee. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the tenant a monetary order in the amount of **\$2,450.00**.

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 27, 2012.

Residential Tenancy Branch

