



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Landlords: MNR and FF
Tenant: MNSD

Introduction

This decision addresses applications by both the landlords and the tenant.

The landlords' application of November 30, 2012 sought a Monetary Order for unpaid rent and recovery of the filing fee for his proceeding.

The tenants' prior application of October 11, 2012 sought a Monetary Order for return of his security deposit in double and recovery of the filing fee for this proceeding.

Issue(s) to be Decided

The landlords' application requires a decision on whether they are entitled to a monetary award for unpaid rent and recovery of their filing fee for this proceeding.

The tenant's application requires a decision on whether he is entitled to return of his security deposit and whether the amounts should be doubled.

Background, Evidence and Analysis

This tenancy began on January 1, 2012 and ended on or about April 16, 2012 pursuant to a Notice to End Tenancy for unpaid rent dated April 6, 2012. Rent was \$550 per month due on the first day of the month and the landlords hold a security deposit of \$250 paid on December 10, 2012.

Tenant's Claim

As to the tenant's claim, the tenant submitted into evidence a copy of a letter to the landlords dated June 21, 2012 providing his forwarding address which the landlords acknowledge having received. However, the landlords stated they had not returned the deposit as the tenant owed rent and had left the rental unit with some damage and cleaning costs which they had decided to absorb.

Section 38(1) of the *Act* provides that, unless the tenant consents otherwise, landlords must return a security deposit or make application for dispute resolution to claim against it within 15 days of the latter of the end of the tenancy or receipt of the tenant's forwarding address.

Section 38(6) of the *Act* states that, if landlords do not comply with section 38(1), they must return the deposit in double.

I find that the landlords did not return the deposit or make application to claim against it within 15 days of receiving the tenant's forwarding address. Therefore, they must return the \$250 deposit in double, a total of \$500.

Landlords' Claims

The landlords claim \$550 in unpaid rent for April 2012, the month the tenancy ended pursuant to the Notice to End Tenancy for unpaid rent.

The tenant concurred that he had not paid the rent for April 2012.

Therefore, I find that the landlord's are entitled to a monetary award of \$550 for the unpaid rent and that they are entitled to recover their \$50 filing fee for this proceeding from the tenant, a total of \$600.

Having found that the award to the landlord is \$600 and the award to the tenant is \$500, on balancing accounts, I find that the tenant owes to the landlords \$100.

Conclusion

The landlords' copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia for \$100 for service on the tenant.

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 08, 2013.

Residential Tenancy Branch

