



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 tenant for a monetary order for the return of double the security deposit 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 his 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 on March 01, 2012 and ended on October 01, 2012. The monthly rent was \$1,000.00. At the start of the tenancy, the tenant paid a security deposit of \$500.00. The landlord agreed that he received the tenant's forwarding address on October 01, 2012.

The landlord stated that the tenant owed for the cost of utilities in excess of the amount of the security deposit and therefore he did not return the security deposit. The tenant argued that utilities were included in the rent.

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 his forwarding address on October 01, 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 \$500.00 for a security deposit. Accordingly, the landlord must return \$1,000.00 to the tenant. Since the tenant has proven his case he is also entitled to the recovery of the filing fee of \$50.00.

Overall the tenant has established a claim of \$1,050.00. Accordingly, I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for **\$1,050.00**, which represents double the security deposit 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 **\$1,050.00**.

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: February 01, 2013

Residential Tenancy Branch

