



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This is an application filed by the Tenant for a monetary order for the return of double the security deposit and recovery of the filing fee.

The Tenant attended the hearing by conference call and gave undisputed testimony. The Landlord did not attend and has not filed any documentary evidence. The Tenant states that the Landlord was served with the notice of hearing package in person on November 9, 2012. I accept the undisputed testimony of the Tenant and find that the Landlord was properly served.

At the beginning of the hearing the Tenant stated that she received the \$900.00 (Original security deposit of \$450.00 and pet damage deposit \$450.00) on December 20, 2012.

Issue(s) to be Decided

Is the Tenant entitled to double the security and pet damage deposits?

Background, Evidence and Analysis

The Tenant states in her direct testimony that the Landlord was given notice to end the tenancy in August of 2012. The Tenant had moved out on September 15, 2012 and returned possession of the rental unit on October 1, 2012. A walk-thru of the rental unit was done with the Landlord on October 3, 2012 where the Tenant provided her forwarding address in writing to the Landlord. The Tenant contacted the Landlord multiple times between October 22 and 31st. The Tenant has confirmed in her direct testimony that a \$450.00 security and \$450.00 pet damage deposits were returned on December 20, 2012.

The Tenant seeks compensation of \$900.00 to equal the doubling of the security and pet damage deposits and the Landlord has not complied with the Act.

I accept the undisputed testimony of the Tenant and find that the Landlord failed to comply with Section 38 of the Act. The Landlord did not return the combined deposits within 15 days of the end of the tenancy/date of when the forwarding address in writing was received or file for dispute resolution to keep the deposits. The Tenant has established a claim for \$900.00. The Tenant is also entitled to recovery of the \$50.00 filing fee. The Tenant is granted a monetary order for \$950.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Tenant is granted a monetary order for \$950.00.

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 05, 2013

Residential Tenancy Branch

