



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 the tenant's Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by the tenant and the landlord.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to a monetary order for return of double the amount of the security deposit and pet damage deposit and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The parties agree the tenancy began on August 1, 2010 as a month to month tenancy for a monthly rent of \$1,300.00 due on the 1st of each month with a security deposit of \$650.00 and a pet damage deposit of \$250.00 paid. The tenancy ended on March 31, 2011.

The tenant submitted a copy of an agreement signed by the two tenants and the landlord agreeing to have return of the deposits and that they had agreed the landlord would provide payment in installments through electronic deposit and that one payment was received by the tenant.

The tenant also submitted a copy of a handwritten letter sent to the landlord on December 27, 2011 with the tenant's forwarding address.

The landlord does not dispute the tenant's claim.

Analysis

Section 38(1) of the *Act* stipulates that a landlord must, within 15 days of the end of the tenancy and receipt of the tenant's forwarding address, either return the security deposit or file an Application for Dispute Resolution to claim against the security deposit.

Section 38(6) stipulates that should the landlord fail to comply with Section 38(1) the landlord must pay the tenant double the security deposit.

From the evidence before I find the landlord had failed to return the tenant's deposits in full within 15 days of receiving her forwarding address and as such the landlord has failed to comply with Section 38(1) and the tenant is entitled to double the amounts of both deposits.

Conclusion

I find the tenant is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$1,750.00** comprised of \$1,300.00 double the security deposit; \$500.00 double the pet damage deposit and the \$50.00 fee paid by the tenant for this application less \$100.00 the amount already returned to the tenant.

This order must be served on the landlord. If the landlord fails to comply with this order the tenant may file the order in the Provincial Court (Small Claims) and be 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: February 12, 2013

Residential Tenancy Branch