



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for return of double the \$325.00 security deposit, for a total of \$650.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

This tenancy began on September 1, 2011, and ended on July 31, 2012.

The landlord admits that she got a forwarding address in writing from the tenant on July 31, 2012.

On August 16, 2012 the landlord applied for dispute resolution to keep the security deposit, however her application was subsequently dismissed without leave to reapply.

The landlord has filed no application for review of that decision and therefore should have returned the security deposit.

To date the landlord has failed to return any of the security deposit.

Analysis

The Residential Tenancy Act states that, if the landlord does not either return the security deposit, get the tenants written permission to keep all or part of the security deposit, or apply for dispute resolution within 15 days after the later of the date the tenancy ends or the date the landlord receives the tenants forwarding address in writing, the landlord must pay the tenant double the amount of security deposit.

The landlord has not returned the tenants security deposit and did not apply for dispute resolution within the 15 day time frame required.

Further although she did apply for dispute resolution to keep the security deposit one day past the 15 day time frame, that application was dismissed without leave to reapply.

Therefore the landlord must pay double the amount of the security deposit to the tenant.

The tenant paid a deposit of \$325.00, and therefore the landlord must pay \$650.00.

I also order recovery of the \$50.00 filing fee

Conclusion

I have issued an order for the respondent to pay \$700.00 to the applicant.

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 04, 2013

Residential Tenancy Branch

