



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 double recovery of the security and pet deposits. Two tenants participated in the teleconference hearing, but the landlord did not.

Prior to the hearing the landlord's physician submitted a letter stating that the landlord was receiving treatment at a hospice for end-of-life care due to advanced lung cancer, and due to the landlord's weakened condition the doctor advised the landlord that he should not participate in the teleconference hearing. I found that the landlord had been served with notice of the hearing, and I proceeded with the hearing in the landlord's absence.

During the hearing the tenants sought to amend their application to claim further monetary compensation. I declined to amend the application, on the basis that the landlord was not present. The tenancy ended in September 2012, and the tenants made their application on February 8, 2013, so it was open to the tenants to apply for additional monetary compensation as well as return of their deposits at that time. I informed the tenants during the hearing that it was open to them to make an application for further monetary compensation, and the arbitrator for that hearing would determine whether to accept the application or not.

Issue(s) to be Decided

Are the tenants entitled to double recovery of the security and pet deposits?

Background and Evidence

The tenants stated that the tenancy began on September 1, 2012, and they paid a security deposit of \$400 and a pet deposit of \$400. The tenancy ended on September 20, 2012. The tenants acknowledged that they did not give the landlord their forwarding address in writing.

Analysis

Section 38 of the Residential Tenancy Act requires that 15 days after the later of the end of tenancy and the tenant providing the landlord with a written forwarding address, the landlord must repay the security and pet deposits or make an application for dispute resolution. If the landlord fails to do so, then the tenant is entitled to recovery of double the base amount of the deposits.

In this case, the tenants did not give the landlord their forwarding address in writing. I therefore find that the tenants are not entitled to double recovery of their deposits, only return of the base amounts.

As the tenants' application was only partially successful, I find that they are not entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

I grant the tenant an order under section 67 for the balance due of \$800. This order may be filed in the Small Claims Court and 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: April 26, 2013

Residential Tenancy Branch

