



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNSD

### Introduction

This hearing was convened in response to an application by the Tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for return of the security deposit - Section 38; and
2. A Monetary Order for compensation – Section 67.

I accept the Tenant’s evidence that the Landlord was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Landlord did not participate in the conference call hearing. The Tenant was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Tenant entitled to the monetary amount claimed?

### Background and Evidence

The tenancy began on October 15, 2010 and ended on March 1, 2011. At the outset of the tenancy the Landlord collected \$700.00 as a security deposit. The Tenant first provided its forwarding address in writing on August 24, 2011. The Landlord has not made an application for dispute resolution to claim against the security deposit and has not returned the security deposit to the Tenant. The Tenant claims return of double the security deposit.

Analysis

Section 38 of the Act provides that within 15 days after the later of the date the tenancy ends, and the date the landlord receives the tenant's forwarding address in writing, the landlord must repay the security deposit or make an application for dispute resolution claiming against the security deposit. Where a Landlord fails to comply with this section, the landlord must pay the tenant double the amount of the security deposit. Based on the Tenant's evidence that no security deposit has been returned and considering that that Landlord has not made an application to claim against the security deposit, I find that the Landlord is required to pay the Tenant double the security deposit in the amount of **\$1,400.00**.

Conclusion

I Grant the Tenant an Order under Section 67 of the Act for the amount of **\$1,400.00**. If necessary, 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 Act.

Dated: May 21, 2013

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Residential Tenancy Branch