



# 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 deposit.

The tenant participated in the teleconference hearing, but the landlord did not call into the hearing. The tenant stated that she served the landlord with the application for dispute resolution and notice of hearing by registered mail on March 16, 2013. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the landlord was deemed served with notice of the hearing on March 21, 2013, and I proceeded with the hearing in the absence of the landlord.

### Issue(s) to be Decided

Is the tenant entitled to double recovery of the security deposit?

### Background and Evidence

The tenancy began on November 1, 2011. At the outset of the tenancy the tenant paid a security deposit of \$700. The tenancy ended on April 30, 2012. The tenant first provided the landlord with her forwarding address by email on May 17, 2012. The landlord replied to that email on May 22, 2012. On August 22, 2012, the tenant again served the landlord with her forwarding address, this time in a letter. The landlord has not returned the security deposit or applied for dispute resolution to keep the deposit.

### 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 deposit 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 security deposit.

In this case, the tenancy ended on April 30, 2012, and the tenant provided her forwarding address in writing twice, on May 17, 2012 and again on August 22, 2013. The landlord has failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address in writing. I therefore find that the tenant has established a claim for double recovery of the security deposit, in the amount of \$1400. The tenant is also entitled to recover the \$50 filing fee for this application.

### Conclusion

I grant the tenant an order under section 67 for the balance due of \$1450. 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: June 6, 2013

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Residential Tenancy Branch