



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD

Introduction

This hearing dealt with an application by the tenant for a monetary order for the return of the security deposit and pet deposit.

Service of the hearing document, by the tenant to the landlord, was done in accordance with section 88 of the *Residential Tenancy Act*, sent via registered mail on April 20, 2013. The tenant filed a receipt with a tracking number and proof of the landlord having refused to accept delivery of the package.

The landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be Decided

Is the tenant entitled to the return of the security deposit and pet deposit?

Background and Evidence

The tenancy began on July 30, 2011 and ended on February 28, 2013. The monthly rent was \$1,200.00. Prior to moving in, the tenant paid a security deposit of \$600.00 and a pet deposit of \$100.00.

The parties met on March 01, 2013 and the tenant gave the landlord his forwarding address in writing. The landlord informed the tenant that he would return the balance of the deposits after he determined the cost of cleaning the rental unit.

The tenant testified that he made several attempts to contact the landlord but was unsuccessful. As of April 18, 2013, the tenant had not yet received the return of the deposits and therefore filed this application.

Analysis

Section 38(1) of the Act provides that the landlord must return the deposit or apply for dispute resolution within 15 days after the later of the end of the tenancy and the date the forwarding address is received in writing.

Based on the sworn testimony of the tenant and in the absence of any contradictory evidence, I find that the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address and is therefore liable under section 38(6), which provides that the landlord must pay the tenant double the amount of the deposit.

The landlord currently holds a security deposit of \$600.00 and a pet deposit of \$100.00. The landlord is obligated under section 38 to return double these amounts for a total of \$1,400.00.

I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for **\$1,400.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court

Conclusion

I grant the tenant a monetary order for **\$1,400.00**.

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: July 16, 2013

Residential Tenancy Branch

