



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. Despite having been served the notice of hearing and application for dispute resolution by registered mail in late June 2013, the landlord did not attend the hearing.

Issue(s) to be Decided

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

Background and Evidence

The tenancy began on February 15, 2010. At the outset of the tenancy, the tenant paid a security deposit of \$250. The tenancy ended on April 1, 2013. The tenant stated that he did not provide the landlord with a forwarding address in writing. 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 tenant did not provide the landlord with a written forwarding address. I therefore find that the tenant is only entitled to recovery of the base amount of the security deposit, not double the amount.

As the tenant's application was partially successful, I find he is entitled to partial recovery of his filing fee, in the amount of \$25.

Conclusion

I grant the tenant an order under section 67 for the balance due of \$275. 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: August 22, 2013

Residential Tenancy Branch