



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

MNSD; FF

### **Introduction**

This is the Tenant's application for a monetary order for double the security deposit and to recover the cost of the filing fee from the Landlord.

The Tenant gave affirmed testimony at the Hearing.

It was determined that the Tenant sent the Landlord the Notice of Hearing documents and copies of her documentary evidence by registered mail, sent on July 11, 2013. The Tenant provided copies of the registered mail receipt and tracking numbers in evidence.

Despite being served, the Landlord did not sign into the Hearing, which remained open for 15 minutes. The Hearing continued in the Landlord's absence.

### **Preliminary Matters**

The Tenant testified that the tenancy began on January 1, 2013 and ended on June 21, 2013, and that she provided the landlord with her forwarding address in writing on June 14, 2013. The Tenant stated that she paid a security deposit in the amount of \$335.00 at the beginning of the tenancy.

The Tenant's application is pursuant to the provisions of Section 38(6) of the Act, which provides that a Landlord must pay the Tenant double the amount of the security deposit if the Landlord does not return the security deposit, or file an Application for Dispute Resolution against it, within 15 days of the end of tenancy or the date that the Tenant provides a forwarding address in writing (whichever date is the latter).

The Tenant stated that on August 12, 2013, the Tenant received two cheques in the mail from the Landlord: one for \$335.00; and one for \$385.00. The Tenant said she assumes the Landlord was agreeing to pay her double the security deposit and her \$50.00 filing fee, but the cheques are not certified and she has not cashed them.

I advised the Tenant that she should cash the cheques. I dismiss the Tenant's application, **with leave to reapply**, if the cheques are not honoured.

**Conclusion**

The Tenant's application is dismissed **with leave to reapply**.

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 26, 2013

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Residential Tenancy Branch