



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNSD, FF

### Introduction

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

1. An Order for return of double the security deposit - Section 38
2. An Order to recover the filing fee for this application - Section 72.

The Tenant and Landlords were each 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?

Is the Tenant entitled to recovery of the filing fee?

### Background and Evidence

The following are agreed and relevant facts: The tenancy began on August 1, 2012 and ended on April 30, 2013. At the outset of the tenancy, the Landlord collected a security deposit from the Tenant in the amount of \$550.00. The Tenant provided the forwarding address to the Landlord on May 13, 2013.

The Landlord states that no application was made to claim against the security deposit as they did not know that they had to do this and that the security deposit was not returned to the Tenant.

### 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. As the Landlord failed to make an application for dispute resolution claiming against the security deposit, and failed to return the security deposit within 15 days of receipt of the Tenant's forwarding address, I find that the Landlord is required to pay the Tenant double the security deposit in the amount of **\$1,100.00**. Given the Tenant's success with its application I find that the Tenant is also entitled to return of the \$50.00 filing fee for a total entitlement of **\$1,150.00**.

### Conclusion

I Grant the Tenant an Order under Section 67 of the Act for the amount of **\$1,150.00**. 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: August 27, 2013

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Residential Tenancy Branch