



# 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 tenants for double recovery of the security deposit. The tenants participated in the teleconference hearing but the landlord did not.

The tenants submitted evidence to establish that they mailed the application for dispute resolution and notice of hearing by registered mail on June 3, 2013, and the landlord received and signed for the registered mail on June 6, 2013. I accepted the tenants' evidence regarding service of notice of the hearing, and I proceeded with the hearing in the absence of the landlord.

### Issue(s) to be Decided

Are the tenants entitled to double recovery of the security deposit?

### Background and Evidence

The tenancy began on April 15, 2012. At the outset of the tenancy, the tenants paid the landlord a security deposit of \$675. The tenancy ended on April 30, 2013. The tenants provided the landlord with their written forwarding address by email on two dates, April 11, 2013 and May 19, 2013. On May 21, 2013 the landlord responded to the tenants' second email to confirm that she had the tenants' forwarding address. The landlord has not returned the security deposit or applied for dispute resolution.

### 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, 2013, and I find that the landlord received the tenants' forwarding address in writing on May 21, 2013. The landlord has failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenants' forwarding address in writing. I therefore find that the tenants have established a claim for double recovery of their security deposit, in the amount of \$1350.

As their application was successful, the tenants are also entitled to recover the \$50 filing fee for the cost of their application.

### Conclusion

I grant the tenant an order under section 67 for the balance due of \$1400. 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: September 10, 2013

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Residential Tenancy Branch

