



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RAAMCO INT'L PROPERTIES CANADIAN LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with a tenant's Application for return of double the security deposit. The landlord did not appear at the hearing. The tenant's agent testified that the hearing documents were sent to the landlord's office via registered mail on June 28, 2013. I was provided a registered mail tracking number as proof of service. Based upon the undisputed evidence before me, I found the landlord has been served with the hearing documents in a manner that complies with the Act and I continued to hear from the tenant without the landlord present.

Issue(s) to be Decided

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

Background and Evidence

The tenancy commenced November 1, 2011 and the tenant paid a security deposit of \$545.00. The tenancy ended May 31, 2013 and the landlord was provided with the tenant's forwarding address, in writing, on June 6, 2013 at the time of the move-out inspection. The tenant, or her agent, did not authorize the landlord to make any deductions from her security deposit. On June 27, 2013 the tenant filed this Application for Dispute Resolution seeking return of double the security deposit.

On July 16, 2013 the tenant received a refund cheque from the landlord dated July 5, 2013 for the amount of her security deposit.

In recognition of the monies received in July 2013 the tenant seeks the balance of the monetary claim.

Documentary evidence provided for this proceeding was a copy of the move-in and move-out inspection report. The report shows that the tenant's daughter, and agent,

participated in the move-out inspection with the landlord and agreed with the landlord's assessment of the property; \$545.00 was to be refunded to the tenant; and, a forwarding address for the tenant care of the tenant's agent.

Analysis

Unless the landlord has authorization to make deductions from a security deposit, section 38(1) of the Act requires the landlord to either return the security deposit to the tenant or make an Application for Dispute Resolution claiming against the security deposit within 15 days from the later of the day the tenancy ends or the date the landlord receives the tenant's forwarding address in writing. Where a landlord violates section 38(1) of the Act, the security deposit must be doubled pursuant to section 38(6) of the Act.

Based upon the move-out inspection report and the tenant's agent's undisputed testimony that the tenant received a refund cheque for the security deposit dated July 5, 2013, I am satisfied the landlord was provided a forwarding address for the tenant, in writing, on June 6, 2013; did not have any authorization to make any deductions from the security deposit; and, failed to refund the security deposit or file an Application for Dispute Resolution against the deposit within 15 days of June 6, 2013. Therefore, I find the tenant entitled to return of double the security deposit.

I further award the tenant recovery of the filing fee paid for this Application for Dispute Resolution.

Taking into account the tenant has received \$545.00 from the landlord subsequent to filing this Application for Dispute Resolution I provide the tenant with a Monetary Order for the balance of the amounts awarded to the tenant by way of this decision. The tenant has been provided a Monetary Order in the amount of \$595.00 $[(\$545.00 \times 2) + \$50.00 - \$545.00]$ to serve upon the landlord. The Monetary Order may be filed in Provincial Court (Small Claims) to enforce if necessary.

Conclusion

The tenant has been provided a Monetary Order in the sum of \$595.00 to serve upon the landlord and enforce as necessary.

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: October 29, 2013

Residential Tenancy Branch

