



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LSF Properties Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This is an application filed by the Tenant for a monetary order for the return of double the security deposit and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence of the other party, I am satisfied that both parties have been properly served.

### Issue(s) to be Decided

Is the Tenant entitled to a monetary order?

### Background and Evidence

Both parties have confirmed in their direct testimony that the Tenancy ended on June 30, 2013 and that the Landlord received the Tenant's forwarding address in writing on July 10, 2013. Both parties also agreed that the Landlord withheld the \$750.00 security deposit without permission from the Tenants or an order from the Residential Tenancy Branch.

### Analysis

Section 38 of the Residential Tenancy Act states,

38 (1) Except as provided in subsection (3) or (4) (a), **within 15 days after the later of**

(a) **the date the tenancy ends, and**

(b) **the date the landlord receives the tenant's forwarding address in writing,**

**the landlord must** do one of the following:

(c) **repay**, as provided in subsection (8), any security deposit or pet damage deposit to the tenant with interest calculated in accordance with the regulations;

(d) **make an application for dispute resolution** claiming against the security deposit or pet damage deposit.

(6) **If a landlord does not comply** with subsection (1), the landlord

(a) may not make a claim against the security deposit or any pet damage deposit, and

(b) **must pay the tenant double** the amount of the security deposit, pet damage deposit, or both, as applicable.

I find based upon the undisputed testimony of both parties that the Tenants have established a claim for the return of double the \$750.00 security deposit. The Landlord did not return the security deposit or make an application for dispute within 15 days after the end of the tenancy or when the forwarding address in writing was received by the Landlord. The Tenants are also entitled to recovery of the \$50.00 filing fee. I grant a monetary order under section 67 of the Act for \$1,550.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The Tenants are granted a monetary order for \$1,550.00.

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: November 07, 2013

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Residential Tenancy Branch

