



Dispute Resolution Services

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 an order for the return of double their security deposit. Both parties participated in the conference call hearing.

Issue to be Decided

Are the tenants entitled to the return of double their security deposit?

Background and Evidence

The facts are not in dispute. The tenancy began in July 2012 and ended on June 30, 2013. At the outset of the tenancy the tenants paid a security deposit of \$800.00. In June 2013, the tenants gave the landlord their forwarding address in writing. The landlord returned \$300.00 of the security deposit to the tenants.

Analysis

Section 38(1) of the Act provides that the landlord must return the security deposit or apply for dispute resolution within 15 days after the later of the end of the tenancy and the date the forwarding address is received in writing. I find the landlord received the tenants' forwarding address by June 30, 2013 and I find the landlord failed to repay the full amount of the security deposit or make an application for dispute resolution within 15 days of receiving the forwarding address and is therefore liable under section 38(6) which provides that the landlord must pay the tenants double the amount of the security deposit.

The landlord currently holds \$500.00 of the security deposit and I find that she is obligated under section 38 to return this amount as well as the \$800.00 penalty prescribed by the Act. As the tenants have been successful in their claim, I find that

they are entitled to recover the \$50.00 filing fee paid to bring their application. I award the tenants \$1,350.00.

Conclusion

I grant the tenants a monetary order under section 67 for \$1,350.00. 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: December 11, 2013

Residential Tenancy Branch

