



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD

### Introduction

This hearing dealt with an application by the tenant for an order for the return of double his security deposit. Both parties participated in the conference call hearing.

### Issue to be Decided

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

### Background and Evidence

The facts are not in dispute. The tenancy began in May 2013 and ended in September 2013. At the outset of the tenancy the tenant paid a security deposit of \$183.50. On September 18, the tenant's advocate sent the landlord the tenant's forwarding address in writing by sending it to him via registered letter. The landlord signed for the letter at the post office.

### 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 tenant's forwarding address on September 23, 5 days after it was mailed, and I find that the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address and is therefore liable under section 38(6) which provides that the landlord must pay the tenant double the amount of the security deposit.

The landlord currently holds a security deposit of \$183.50 and I find that he is obligated under section 38 to return double this sum. I award the tenant \$367.00.

Conclusion

I grant the tenant an order under section 67 for \$367.00. 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: January 23, 2014

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Residential Tenancy Branch

