



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 tenant for return of double the security deposit and recovery of the filing fee. Although served with the Application for Dispute Resolution and Notice of Hearing sent by registered mail on October 28, 2013 the landlord failed to attend the hearing.

Issues(s) to be Decided

Is the tenant entitled to a monetary order?

Background and Evidence

This tenancy began on May 1, 2009 and ended on June 30, 2013. The tenants paid a security deposit of \$1050 and a pet damage deposit of \$250 at the start of the tenancy. The tenants provided the landlord with their forwarding address in writing on May 26, 2013. On June 29th the landlord gave the tenants a cheque for the full amount of the security deposit but claimed he was not sure he had ever been paid a pet damage deposit. The landlord then said that he would give the tenants their pet deposit at the next meeting. The tenants claim that the “next meeting” never happened and that the landlord has still not returned the pet damage deposit to them.

Analysis

Section 38(1) of the Act provides that within 15 days after the later of the date the tenancy ends and the date the landlord receives the tenant’s forwarding address in writing, the landlord must either repay the entire pet damage deposit to the tenant or file an application for dispute resolution claiming against the deposit. In the present case, the landlord has done neither.

Section 38(6) provides that if a landlord does not comply with section 38(1), the landlord may not make a claim against the deposit and must pay the tenant double the amount of the deposit.

Conclusion

Based on the above, I find that the tenant is entitled to an order that the landlord pay to her double the pet damage deposit. I therefore order that the landlord pay to the tenant the sum of \$500. I further order that the landlord bear the \$50.00 cost of this application. This order may be filed in 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: February 04, 2014

Residential Tenancy Branch

