



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This is an application for a Monetary Order for \$1850.00, and a request for recovery of the \$50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail on November 23, 2013; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

Has the applicant established a monetary claim in the amount of \$1800.00?

Background and Evidence

The applicant testified that:

- This tenancy began April 1, 2013 and the security/pet deposit totaling \$900.00 was paid on that date.
- This tenancy ended on May 4, 2013, and on August 20, 2013 she said the landlord a forwarding address in writing by registered mail and a copy of the registered mail receipt is in the file.
- To date the landlord has failed to return any of the security/pet deposit and therefore she's requesting an order for return of double.

Analysis

Section 38 of the Residential Tenancy Act states that, if the landlord does not either return the security/pet deposit, get the tenants written permission to keep all or part of the security/pet deposit, or apply for dispute resolution within 15 days after the later of the date the tenancy ends or the date the landlord receives the tenants forwarding address in writing, the landlord must pay the tenant double the amount of security/pet deposit.

The landlord has not returned the tenants security/pet deposit or applied for dispute resolution to keep any or all of tenant's security/pet deposit and the time limit in which to apply is now past.

This tenancy ended on May 4, 2013 and the landlord had a forwarding address in writing by August 25, 2013 and there is no evidence to show that the tenant's right to return of the deposits has been extinguished.

Therefore the landlord must pay double the amount of the security/pet deposit to the tenant.

The tenant paid this combined security/pet deposit of \$900.00, and therefore the landlord must pay \$1800.00.

I also allow the request for recovery of the filing fee.

Conclusion

I've issued an order for the respondent to pay \$1850.00 to the applicant.

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 12, 2014

Residential Tenancy Branch

