



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 the balance of their security deposit. Despite having been served with the application for dispute resolution and notice of hearing via registered mail sent on November 24, 2013, the landlord did not participate in the conference call hearing.

Issue to be Decided

Are the tenants entitled to a monetary order as claimed?

Background and Evidence

The undisputed testimony of the tenants is as follows. The tenancy began on November 1, 2011 at which time the tenants paid a \$1,100.00 security deposit and it ended on October 31, 2013. At the end of the tenancy, the tenants gave the landlord their forwarding address in writing. On November 17, the landlord returned just \$850.00 of the security deposit. The tenants testified that they did not give the landlord written permission to withhold any part of the deposit.

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 at the end of the tenancy and I find the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenants' 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 a security deposit of \$250.00. I find that she is obligated under section 38 to return double this amount and I award the tenants \$500.00. I further find that the tenants are entitled to recover the \$50.00 filing fee paid to bring their application for a total entitlement of \$550.00.

Conclusion

I grant the tenants a monetary order under section 67 for \$550.00 which includes the double security deposit and the \$50.00 filing fee. 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: March 17, 2014

Residential Tenancy Branch

