



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an application by the tenant for recovery of the balance of the security deposit. The tenant attended the teleconference hearing but the landlord did not.

The tenant stated that she personally served the landlord with the application for dispute resolution and notice of hearing on January 9, 2014. I accepted the tenant's evidence that she served the landlord with notice of the hearing, and I proceeded with the hearing in the absence of the landlord.

Issue(s) to be Decided

Is the tenant entitled to double recovery of the security deposit?

Background and Evidence

The tenancy began on August 1, 2012. At the outset of the tenancy, the tenant paid the landlord a security deposit of \$1145 and a pet deposit of \$1145. The tenancy ended on August 1, 2013. The tenant gave the landlord her written forwarding address in mid-August 2013. The landlord returned \$1790 of the deposits, and withheld \$500. The tenant did not give the landlord written authorization to retain any portion of the deposits. The landlord did not apply for dispute resolution to retain this portion of the deposits.

In support of her application, the tenant provided oral testimony and her application for dispute resolution indicating her claim and details of dispute.

Analysis

Section 38 of the Residential Tenancy Act requires that 15 days after the later of the end of tenancy and the tenant providing the landlord with a written forwarding address, the landlord must repay the security and/or pet deposits or make an application for dispute resolution. If the landlord fails to do so, then the tenant is entitled to double recovery of any amount of the deposit(s) that has not been returned.

In this case, the tenancy ended on August 1, 2014, and the tenant provided her forwarding address in writing in mid-August 2014. The landlord failed to repay \$500 of deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address in writing. I therefore find that the tenant has established a claim for double recovery of the balance of the deposit, for a total award of \$1000.

Conclusion

I grant the tenant an order under section 67 for the balance due of \$1000. 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: April 16, 2014

Residential Tenancy Branch

