



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD

### Introduction

This hearing was convened to address a claim by the tenant for an order for the return of her security deposit. Both parties participated in the conference call hearing.

### Issue to be Decided

Is the tenant entitled to an order compelling the landlords to return her security deposit?

### Background and Evidence

The facts are not in dispute. The tenancy ended early in October 2013, at which time a \$425.00 security deposit was paid, and ended on October 31, 2013. The landlords received the tenant's forwarding address in writing on October 31, 2013.

### 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 landlords received the tenant's forwarding address on October 31, the same day the tenancy ended, and I find the landlords failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address and are therefore liable under section 38(6) which provides that the landlords must pay the tenant double the amount of the security deposit.

The landlords currently hold a security deposit of \$425.00 and I find that they are obligated under section 38 to return double this amount. I award the tenant \$850.00.

I note that at the hearing, the landlords made arguments that they had suffered a monetary loss as a result of the tenant giving inadequate notice to end her tenancy.

The landlords are free to file an application for dispute resolution to recover this amount, but as I had no such application before me, I could not address this claim.

Conclusion

I grant the tenant an order under section 67 for \$850.00. 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: May 27, 2014

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Residential Tenancy Branch

