



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Despina Holdings
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to Section 38 of the *Residential Tenancy Act* (the “Act”) an Order for return of the security deposit.

The Tenant and Landlord were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Tenant entitled to the monetary amount claimed?

Background and Evidence

The following are undisputed facts: The tenancy began on December 1, 2014 and ended some time later. At the outset of the tenancy the Landlord collected \$200.00 as a security deposit from the Tenant. The Tenant provided its forwarding address on April 30, 2014. The Landlord did not file an application for dispute resolution to make a claim against the security deposit and did not return the security deposit to the Tenant.

The Tenant claims return of double the security deposit.

Analysis

Section 38 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 repay the security deposit or make an application for dispute resolution claiming against the security deposit. Where a Landlord fails to comply with this section, the landlord must pay the tenant double the amount of the security deposit. Based on the undisputed facts I find that the Tenant is entitled to return of the security deposit of \$200.00 plus zero interest in the doubled amount of \$400.00.

Conclusion

I Grant the Tenant an Order under Section 67 of the Act for the amount of **\$400.00**. If necessary, 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 Act.

Dated: August 26, 2014

Residential Tenancy Branch

