



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FF

Introduction

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

The tenant stated that she attempted to personally serve the landlord with the application for dispute resolution and notice of hearing at the landlord's residence on May 1, 2014. The tenant stated that the landlord put her hands up and refused to take the papers, but the tenant was able to slip the documents inside the door of the house before the landlord closed the door. 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 tenant paid a security deposit of \$200 on April 12, 2014. On April 14, 2014 the tenant informed the landlord that she was not going to move in. The tenant stated that she gave the landlord her written forwarding address on April 15, 2014. The landlord has not returned the security deposit or applied for dispute resolution.

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 deposit or make an application for dispute resolution. If the landlord fails to do so, then the tenant is entitled to recovery of double the amount of the security deposit.

In this case, the tenancy did not begin. The tenant provided her forwarding address in writing on April 15, 2014. The landlord failed to repay the security 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 security deposit, in the amount of \$400.

Conclusion

I grant the tenant an order under section 67 for the amount due of \$400. 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: August 21, 2014

Residential Tenancy Branch

