



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

The tenant applies for the return of the tenant's security deposit, doubled.

The landlord did not attend the hearing. I accept that the landlord was properly served with notice of this application and this hearing, by way of registered mail.

Issue(s) to be Decided

Is the tenant entitled to the return of the security deposit, doubled?

Background and Evidence

This tenancy began in or about January, 2013 and ended on November 1, 2013. The tenant paid a security deposit of \$375.00 at the start of the tenancy, none of which has been returned. I accept that the landlord was properly provided with the tenant's forwarding address on December 21, 2013, that the tenant did not consent in writing to the landlord retaining any of the deposit, and that the landlord has not filed a formal application to retain the deposit within the required 15 day period. I also accept that no Condition Inspect Report was prepared by the landlord at the start of the tenancy, and no inspection was done at the end of the tenancy.

Analysis

In most situations, section 38(1) of the Act requires a landlord, within 15 days of the end of the tenancy or the date on which the landlord receives the tenant's forwarding address, to either return the deposit or file an application to retain the deposit. If the landlord fails to comply with section 38(1), then the landlord may not make a claim against the deposit, and the landlord must pay the tenant double the amount of the security deposit (section 38(6)). There is no evidence before me that any of the exceptions to the landlord's obligations under section 38(1) apply in this case. There is no evidence that any statutory grounds extinguish the tenant's right to claim the deposit. I find the tenant entitled to double the deposit, which is \$750.00. The tenant is also awarded recovery of the filing fee of \$50.00.

Conclusion

The tenant is entitled to double the deposit and to her filing fee from the landlord. A monetary order in the amount of \$800.00, payable by the landlord to the tenant is issued.

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: September 11, 2014

Residential Tenancy Branch

