



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 personally served the landlord's agent with the application for dispute resolution and notice of hearing on May 23, 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 in January 2013. At the outset of the tenancy the tenant paid a security deposit of \$200. The tenancy ended in March 2014. The landlord did not return the security deposit or apply for dispute resolution.

The tenant stated that she only gave the landlord her forwarding address in writing when she served the landlord with her application.

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 ended in March 2014, and the landlord did not return the security deposit or make an application to keep the deposit. I therefore find that the tenant is entitled to recovery of her security deposit of \$200.

I find that the tenant is not entitled to double recovery of her deposit, as the landlord did not have the tenant's forwarding address in writing and was not able to return the deposit at the time that the tenant made her application.

Conclusion

I grant the tenant an order under section 67 for the amount due of \$200. 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: October 21, 2014

Residential Tenancy Branch

