



Dispute Resolution Services

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 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 the return of her security deposit?

Background and Evidence

The facts are not in dispute. The tenancy began on October 1, 2013 at which time the tenant paid a \$450.00 security deposit and ended on April 30, 2014. The tenant gave the landlord her forwarding address in writing on May 3, 2014. The landlord has not returned the security deposit or filed an application for authorization to retain the deposit.

Analysis

Section 38(1) of the Act provides that within 15 days of the later of the end of the tenancy and the date the landlord receives the tenant's forwarding address in writing, the landlord must either return the security deposit in full or file a claim to retain the deposit. In this case, the landlord has done neither. Section 38(6) provides that when a landlord fails to comply with the direction in 38(1), he must pay the tenant double the security deposit. I therefore find that the tenant is entitled to receive \$900.00 from the landlord and I award her that sum. I dismiss the claim for recovery of mailing costs as I am not empowered to award litigation-related expenses other than the filing fee.

As the tenant has been successful in her claim, she is entitled to recover the \$50.00 filing fee paid to bring her application.

Conclusion

The tenant is awarded \$950.00 and I grant the tenant a monetary order under section 67 for this sum. This order may be filed in the Small Claims Division of the Provincial 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: September 26, 2014

Residential Tenancy Branch

