



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding M. Block Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND MNDC MNSD FF

Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for monetary compensation and an order to retain the security and pet deposits in partial compensation of their claim. The tenant applied for double recovery of the security and pet deposits. The tenant attended the teleconference hearing but the landlord did not.

This matter was set for hearing by telephone conference call at 11:00 a.m. on September 8, 2014. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the tenant. Therefore, as the landlord did not attend the hearing by 11:10 a.m., and the tenant appeared and was ready to proceed, I dismiss the landlord's claim without leave to reapply. 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 and pet deposits?

Background and Evidence

The tenancy began on August 1, 2011. At the outset of the tenancy, the tenant paid the landlord a security deposit of \$550 and a pet deposit of \$225. The tenancy ended on March 25, 2014. The tenant stated that he provided the landlord with his written forwarding address and returned the keys on that date. The tenant stated that he did not give the landlord written authorization to keep any portion of the deposits. The landlord did not return the deposits and did not apply for dispute resolution within the required time frame.

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 or pet 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 or pet deposit.

In this case, the tenancy ended on March 25, 2014, and the tenant provided his forwarding address in writing on that date. The landlord has failed to repay the deposits 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 and pet deposits, in the amount of \$1550.

As his application was successful, the tenant is also entitled to recover the \$50 filing fee for the cost of this application.

Conclusion

The landlord's application is dismissed.

I grant the tenant an order under section 67 for the balance due of \$1600. 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: September 15, 2014

Residential Tenancy Branch

