



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This is an application for an order for the return of the security deposit and pet deposit.

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing.

I have given the parties the opportunity to present all relevant evidence, and to give oral testimony.

All testimony was taken under affirmation.

Issue(s) to be Decided

Have the applicants established the right to return of their security and pet deposits?

Background and Evidence

This tenancy began on October 15, 2013 and at that time a security deposit of \$2200.00, and a pet deposit of \$500.00 were collected.

This tenancy ended on April 15, 2014 and the landlords were given a forwarding address in writing on April 18, 2014.

To date the landlord has not returned any of the tenant's security or pet deposit, nor have the tenants given the landlords written permission to keep any of the deposits.

Analysis

Section 38 of the Residential Tenancy Act states that, if the landlord does not either return the security/pet deposit, get the tenants written permission to keep all or part of the security/pet deposit, or apply for dispute resolution within 15 days after the later of the date the tenancy ends, or the date the landlord receives the tenants forwarding address in writing, the landlord must pay the tenants double the amount of security/pet deposit.

The landlord has not returned the tenants security/pet deposit or applied for dispute resolution to keep any or all of tenant's security/pet deposit and the time limit in which to apply is now past.

This tenancy ended on April 15, 2014, and the landlords had a forwarding address in writing by April 18, 2014 and there is no evidence to show that the tenant's right to return of the deposit has been extinguished.

Therefore the landlords must pay double the amount of the security/pet deposit to the tenants.

The tenants paid a combined security/pet deposit of \$2700.00, and therefore the landlord must pay \$5400.00 to the tenants.

I also allow the request for recovery of the \$50.00 filing fee.

Conclusion

Pursuant to section 38, 67, 72 of the Residential Tenancy Act I've issued a Monetary Order in the amount of \$5450.00.

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 08, 2014

Residential Tenancy Branch

