



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FF

Introduction

This hearing dealt with an application by the tenants for double recovery of the security deposit. The tenants and the landlord attended the teleconference hearing.

At the outset of the hearing, the landlord confirmed that they had received the tenants' evidence. The landlord emailed late evidence to the Branch the day before the hearing but I had not received it in time for the hearing and I therefore did not admit the landlord's late evidence.

Both parties were given full opportunity to give testimony and present their admissible evidence. I have reviewed all testimony and other evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

Issue(s) to be Decided

Are the tenants entitled to double recovery of the security deposit?

Background and Evidence

The tenancy began on December 21, 2013. At the outset of the tenancy the tenants paid the landlord a security deposit of \$350. The tenancy ended on May 1, 2014. The tenants provided the landlord with their written forwarding address by registered mail, which the landlord confirmed they received on May 23, 2014. The landlord has not returned the security deposit or applied for dispute resolution to keep the deposit.

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 on May 1, 2014, and the landlord received the tenants' forwarding address in writing on May 23, 2014. The landlord has failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenants' forwarding address in writing. I therefore find that the tenants have established a claim for double recovery of the security deposit, in the amount of \$700.

Conclusion

I grant the tenants an order under section 67 for the amount due of \$700. 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 30, 2014

Residential Tenancy Branch

