



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNSD

Introduction

This is an application for a Monetary Order for \$1100.00, and recovery of the \$50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on July 8, 2014; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing and I proceeded with the hearing in the absence of the respondent.

All testimony was taken under affirmation.

Issue(s) to be Decided

Has the applicant established a claim for return of double the security deposit, and recovery of the filing fee.

Background and Evidence

The applicant testified that this tenancy began in 2013 and ended on February 1, 2014.

The applicant stated a \$550.00 security deposit was paid at the beginning of the tenancy ended note that the path and returned.

The applicant also stated that a forwarding address in writing was served on the landlord by registered mail that was mailed on March 6, 2014.

The applicant is therefore requesting an order for double the security deposit and recovery of the filing the.

Analysis

I accept the applicant's sworn testimony that a \$550.00 security deposit was paid at the beginning of the tenancy and that none of that money has been returned.

I also accept the applicant's sworn testimony that a forwarding address in writing was mailed to the landlord by registered mail on March 6, 2014.

The Residential Tenancy Act states that, if the landlord does not either return the security deposit, get the tenants written permission to keep all or part of the security 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 tenant double the amount of security deposit.

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

This tenancy ended on February 1, 2014 and the landlord is deemed to have received the registered mail with a forwarding address in writing by March 11, 2014, and there is no evidence to show that the tenant's right to return of the deposit has been extinguished.

Therefore the landlord must pay double the amount of the security deposit to the tenant.

The landlord must therefore pay \$1100.00 to the tenant.

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

Conclusion

I have allowed the applicants full claim of \$1150.00, and have issued a Monetary Order in that amount.

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: November 06, 2014

Residential Tenancy Branch

