



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

MNSD, MNDC, FF

### **Introduction**

This hearing dealt with an application by the tenant for a monetary order for the return of double the security deposit and the recovery of the filing fee.

Both parties were given full opportunity to present evidence and make submissions. The landlord acknowledged receipt of evidence submitted by the tenant but informed me that she had not provided a copy of her evidence to the tenant. Therefore the landlord's evidence was not taken into consideration in the making of this decision. Both parties gave affirmed testimony.

### **Issues to be Decided**

Is the tenant entitled to the return of double the security deposit? Is the tenant entitled to the recovery of the filing fee?

### **Background and Evidence**

The tenancy started on May 01, 2013 and ended on May 23, 2014. Prior to moving in the tenant paid a security deposit of \$625.00 and a fob deposit of \$100.00.

The tenant returned the fob to the landlord and did not receive the fob deposit. The tenant provided the landlord with a request for the return of the deposits in the total amount of \$725.00. This request was written in a letter which included the tenant's forwarding address. The letter was mailed to the landlord by registered mail on July 14, 2014. The tenant provided a tracking number. The landlord agreed to having received the letter.

The landlord stated that she attempted to negotiate a settlement to cover damage to a counter top but was unsuccessful. When the tenant did not receive the deposits, he made an application for dispute resolution on August 14, 2014.

### **Analysis**

Section 38(1) of the Act provides that the landlord must return the security deposit or apply for dispute resolution within 15 days after the later of the end of the tenancy and the date the forwarding address is received in writing.

Based on the sworn testimony of both parties, I find that the landlord is deemed to have been notified of the tenant's forwarding address on July 19, 2014. I further find that the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address.

Therefore, the landlord is liable under section 38(6), which provides that the landlord must pay the tenant double the amount of the deposit.

The landlord currently holds a security and fob deposit of \$725.00 and is obligated under section 38 to return double this amount along with the accrued interest of \$0.00. Since the tenant has proven his case, he is also entitled to the recovery of the filing fee of \$50.00.

I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for \$1,500.00, which represents double the base deposit and the filing fee. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the tenant a monetary order in the amount of **\$1,500.00**.

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: March 06, 2015

---

Residential Tenancy Branch

