



Dispute Resolution Services

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 an order for the return of double their security deposit. Both parties participated in the conference call hearing.

Issue to be Decided

Are the tenants entitled to the return of double their security deposit.

Background and Evidence

The facts are not in dispute. The tenants paid a \$390.00 security deposit and vacated the subject rental unit on November 30, 2014. The tenants provided their forwarding address on the same day. The tenants moved to a new location and were out of the province from December 9 – 17. On December 10, the landlord sent a cheque via registered letter to the tenants' new address. The letter was returned and marked "refused" by Canada Post. The tenants did not receive notice that the letter had arrived and had no knowledge of the letter until after they filed their application for dispute resolution.

Analysis

The tenants are only entitled to an award of double their security deposit if the landlord does not return the security deposit within 15 days of the end of the tenancy and the date the landlord receives the forwarding address. In this case, the landlord clearly acted within 15 days, even though for some reason the tenants did not receive notice that the letter was waiting for them. I find that the landlord complied with his obligation under the Act and therefore the tenants are not entitled to an award for the return of double their security deposit. However, the landlord has not established a right to keep the deposit and therefore must return it.

At the hearing, the tenants confirmed their mailing address again. I order the landlord to return \$390.00 to the tenants forthwith and I grant the tenants a monetary order for that amount. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

I find that the landlord should not be ordered to pay the filing fee as it was not his fault that the tenants did not receive the security deposit cheque when he mailed it.

Conclusion

The tenants are awarded \$390.00.

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 16, 2015

Residential Tenancy Branch

