



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

This hearing was convened in response to an application by the Tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for return of the security deposit - Section 38; and
2. An Order to recover the filing fee for this application - Section 72.

The Tenants and Landlord were each given full opportunity under oath to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Are the Tenants entitled to the monetary amounts claimed?

Background and Evidence

The following are undisputed facts: The tenancy began on March 1, 2014 and ended on December 1, 2014. At the outset of the tenancy, the Landlord collected a security deposit of \$625.00 and a pet deposit of \$625.00. Although the Parties mutually did a walk-through of the unit at move-in, no condition inspection report was completed. The Tenants provided the forwarding address in writing on December 4, 2014. The security and pet deposits have not been returned and the Landlords have not made any application to claim against the security deposit.

The Tenants claim return of double the security deposit.

Analysis

Section 38 of the Act provides that within 15 days after the later of the date the tenancy ends, and the date the landlord receives the tenant's forwarding address in writing, the landlord must repay the security deposit or make an application for dispute resolution claiming against the security deposit. Where a Landlord fails to comply with this section, the landlord must pay the tenant double the amount of the security deposit. As the Landlord did not make an application for dispute resolution claiming against the security deposit, and did not return the security deposit within 15 days of receipt of the Tenants' forwarding address, I find that the Landlord is required to pay the Tenants double the security and pet deposit plus zero interest in the amount of **\$2,500.00**. The Tenants are also entitled to return of the \$50.00 filing fee for a total entitlement of **\$2,550.00**.

Conclusion

I Grant the Tenants an Order under Section 67 of the Act for **\$2,550.00**. If necessary, 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 Act.

Dated: April 22, 2015

Residential Tenancy Branch

