



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding St. George Estates
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an application by the tenant for an order for the return of double her security deposit and recovery of her filing fee. Despite having been served with the application for dispute resolution and notice of hearing sent via registered letter on October 10, 2014, the landlord did not participate in the conference call hearing.

Issue to be Decided

Is the tenant entitled to a monetary order as claimed?

Background and Evidence

The tenant's undisputed evidence is as follows. The tenancy began in March 2013 at which time the tenant paid a \$455.00 security deposit. The tenancy ended on or about April 30, 2014 and on August 12, 2014, the tenant sent her forwarding address to the landlord via registered letter. The tenant provided evidence that the landlord signed for that letter on August 13, 2014.

Analysis

Section 38(1) of the Act provides that within 15 days of the later of the last day of the tenancy and the date the landlord receives the tenant's forwarding address in writing, the landlord must either return the deposit in full to the tenant or file an application for dispute resolution to make a claim against the deposit.

Section 38(6) of the Act provides that where a landlord fails to comply with section 38(1), the landlord must pay to the tenant double the security deposit.

I find that the tenant paid a \$455.00 security deposit, that she vacated the rental unit on April 30, 2014 and that the landlord received her forwarding address in writing on

August 13, 2014. I find that the landlord failed to comply with section 38(1) and is now liable to pay the tenant double the security deposit. I therefore award the tenant \$910.00.

I find that as the tenant has been successful in her claim, she should recover the filing fee paid to bring her application and I award her \$50.00 for a total entitlement of \$960.00. I grant her a monetary order under section 67 for that sum. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenant is granted a monetary order for \$960.00.

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: April 07, 2015

Residential Tenancy Branch

