



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was convened in response to an application by the Tenant 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 Tenant and Landlord were each given full opportunity under oath to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Tenant entitled to the monetary amounts claimed?

Background and Evidence

The following are agreed facts: The tenancy began on August 15, 2013 and ended on August 15, 2014. At the outset of the tenancy, the Landlord collected \$600.00 as a security deposit from the Tenant. While the Parties mutually conducted an inspection of the unit at move-in and move-out, no condition report was prepared, completed, or copy provided to the Tenant. The Tenant provided its forwarding address in writing to the Landlord on August 15, 2014. The Landlord has not returned the security deposit or made an application to claim against 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 failed to make an application for dispute resolution claiming against the security deposit, and failed to return the security deposit within 15 days of receipt of the Tenant's forwarding address and end of tenancy, I find that the Landlord is required to pay the Tenant forthwith double the security deposit in the amount of **\$1,200.00**. The Tenants is also entitled to return of the \$50.00 filing fee for a total entitlement of **\$1,250.00**.

Conclusion

I Grant the Tenant an Order under Section 67 of the Act for the amount of **\$1,250.00**. 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 *Residential Tenancy Act*.

Dated: April 09, 2015

Residential Tenancy Branch

