



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.

I accept the Tenant’s evidence that the Landlord was served with the application for dispute resolution and notice of hearing in person on October 8, 2014 in accordance with Section 89 of the Act. The Landlord did not participate. The Tenant was given full opportunity 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 tenancy began in February 2011 and ended on June 28, 2014. At the outset of the tenancy, the Landlord collected a security deposit from the Tenant in the amount of \$312.50. The Tenant provided the forwarding address in writing with the notice to end tenancy given to the Landlord in May 2014. The Tenant received the return of the full amount of the security deposit on July 18, 2014 by mail and the envelope was postmarked July 17, 2014. The Tenant claims \$312.50.

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. Based on the Tenant's undisputed evidence, I find that the Landlord failed to return the security deposit within 15 days as required under the Act. I find therefore that the Landlord must pay the Tenant double the security deposit of \$625.00. Deducting the amount already returned to the Tenant leaves **\$312.50** owed by the Landlord to the Tenant. The Tenant is also entitled to return of the **\$50.00** filing fee for a total entitlement of **\$362.50**.

Conclusion

I Grant the Tenant an Order under Section 67 of the Act for **\$362.50**. 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: May 12, 2015

Residential Tenancy Branch

