



# 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 tenant for an order compelling the landlord to return double his security deposit. Despite having been served with the application for dispute resolution and notice of hearing via registered mail sent on October 30, 2014, the landlord did not participate in the conference call hearing.

### Issue to be Decided

Should the landlord be ordered to return double the security deposit?

### Background and Evidence

The tenant's undisputed testimony is as follows. The tenancy began in May 2013 at which time the tenant paid a \$400.00 security deposit and ended in September 2014. The tenant provided a forwarding address in writing at the end of the tenancy.

### 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 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 \$800.00. As the tenant has been successful in his claim, I find he should recover the \$50.00 filing fee and I award him that sum for a total entitlement of \$850.00. I grant him 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. The tenant holds a cheque for \$400.00 which the landlord sent to him in November and which he has not yet negotiated. Should the tenant successfully negotiate that cheque, it will serve to reduce the enforceable portion of the order to \$450.00.

Conclusion

The tenant is awarded \$850.00.

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: June 23, 2015

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Residential Tenancy Branch

