



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, O, FF

Introduction

In the first application the landlord seeks to recover a monetary award for an unpaid internet bill, for damage to a carpet and for damages relating to an alleged lack of proper notice by the tenant ending the tenancy.

In the second application, the tenant seeks recovery of a \$400.00 security deposit, doubled pursuant to s. 38 of the *Residential Tenancy Act* (the “Act”).

The landlord did not attend the hearing. As a result, her application is dismissed. As the tenant attended and was ready to proceed, the landlord’s application is dismissed without leave to re-apply.

Issue(s) to be Decided

Has the landlord been served with the tenant’s application? Does the tenant qualify for a return of double a security deposit?

Background and Evidence

The rental unit is a one bedroom basement suite. The tenancy started on December 1, 2014. The tenant vacated on January 31, 2015. The rent was \$800.00. The tenant paid a \$400.00 security deposit.

The tenant testifies that he served the landlord with his written forwarding address in writing by registered mail to the address used by the landlord in her application. The Canada Post record for that mail shows that it was “successfully delivered” on February 24, 2014 and signed for by someone with the initials “G.V.” However, the mail was ultimately returned to the tenant with a Canada Post sticker indicating “refused.”

Analysis

In these circumstances I find, pursuant to ss. 88, 89 and 90 of the *Act*, that the landlord has been duly served with the tenant's application.

Section 38 of the *Act* provides that after the end of the tenancy and once a tenant has provided a forwarding address in writing, a landlord holding a deposit must, within fifteen days, either repay it to the tenant or make an application to keep it. As the landlord's application is dismissed, the tenant is entitled to recover double his deposit.

I grant the tenant a monetary award of \$800.00 plus recovery of the \$50.00 filing fee. There will be a monetary order against the landlord in the amount of \$850.00.

Conclusion

The landlord's application is dismissed without leave to re-apply.

The tenant's application is allowed.

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 10, 2015

Residential Tenancy Branch

