



# 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 Tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for return of double 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

Are the Tenants entitled to the monetary amounts claimed?

### Background and Evidence

The following are agreed facts: The tenancy began on December 1, 2011 and ended on December 31, 2014. At the outset of the tenancy, the Landlord collected a security deposit from the Tenants in the amount of \$800.00 and a pet deposit of \$400.00. The Parties mutually conducted a move-in and move-out inspection. The Tenants provided the forwarding address in writing on November 28, 2015 when they also gave notice to end the tenancy for December 31, 2015. The Landlord did not file an application for dispute resolution to make a claim against the security deposit and has not returned the security and pet deposit to the Tenants.

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 the end of the tenancy, I find that the Landlord is required to pay the Tenants double the combined security and pet deposit plus zero interest of **\$2,400.00**. The Tenants are also entitled to return of the \$50.00 filing fee for a total entitlement of **\$2,450.00**.

Conclusion

I Grant the Tenants an Order under Section 67 of the Act for **\$2,450.00**. 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 Act.

Dated: August 04, 2015

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Residential Tenancy Branch

