



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

The tenant applies for return of a security deposit, doubled pursuant to s. 38 of the *Residential Tenancy Act* (the “Act”).

The landlord did not attend the hearing.

### Issue(s) to be Decided

Has the landlord been duly served with the application and notice of hearing? If so, is the tenant entitled to the relief claimed?

### Background and Evidence

The rental unit is the upper portion of a house. The landlord lives in the basement suite below.

According to the tenant the tenancy started in the summer of 2012 and ended in May 2013. The rent was \$525.00 and she paid a \$262.50 security deposit.

She testifies that she provided a forwarding address in writing to the landlord in 2013 but did not get the deposit back, nor has the landlord applied to keep it.

She testifies that she served the landlord with the application and notice of hearing by sending it by registered mail on March 10, 2015 to the basement suite, where he lives. Canada Post records show that the mail was “unclaimed by recipient” and was returned to the tenant.

### Analysis

Under s. 89 of the *Act* this service is good service on the landlord and under s. 90, he was deemed to have received it five days after mailing.

I find that landlord has been duly served.

The tenancy ended and the landlord received the tenant's forwarding address is writing. Under s. 38 of the *Act* he then had 15 days to either repay the deposit money to the tenant or make application to keep it. He did not and as a result he has incurred the doubling penalty provided for in s. 38.

The tenant is entitled to a monetary award of \$525.00 plus recovery of the \$50.00 filing fee. There will be a monetary order against the landlord for the total of \$575.00.

### Conclusion

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: August 04, 2015

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Residential Tenancy Branch

