



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD

### Introduction

This hearing dealt with an application by the tenant for an order compelling the landlord to return double her security deposit. Both parties participated in the conference call hearing.

### Issue to be Decided

Should the landlord be ordered to return double the deposit?

### Background and Evidence

The relevant facts are not in dispute. The tenancy began in September 2012 and over the course of the next year, the tenant paid a \$437.50 security deposit. The tenancy ended on December 30, 2014. The tenant provided a forwarding address to the landlord via email on January 26 and the landlord acknowledged having received this email.

### 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 \$875.00 and grant her 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.

I note that the landlord believes that she incurred costs as a result of the tenant's failure to adequately clean and repair the unit. The landlord is free to file a claim against the tenant for a monetary order.

Conclusion

The tenant is awarded \$875.00.

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: September 14, 2015

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Residential Tenancy Branch

