



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for compensation - Section 67;
2. An Order for return of double the security deposit - Section 38; and
3. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity under oath to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Tenant entitled to the monetary amounts claimed?

Background and Evidence

The following are agreed and relevant facts: The tenancy started on January 15, 2014 and ended on June 30, 2014. At the outset of the tenancy the Landlord collected \$275.00 as a security deposit. The Tenant sent its forwarding address to the Landlord by registered mail on January 27, 2015. The Landlord did not make an application to claim against the security deposit and did not return the security deposit to the Tenant.

The Tenant claims \$550.00.

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. Based on the agreed facts that the Landlord neither made an application to claim against the security deposit nor returned the security deposit to the Tenant I find that the Tenant is entitled to \$550.00. As the Tenant's application has been successful, I find that the Tenant is also entitled to recovery of the \$50.00 filing fee for a total entitlement of \$600.00.

Conclusion

I grant the Tenant an order under Section 67 of the Act for **\$600.00**. 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 *Residential Tenancy Act*.

Dated: October 30, 2015

Residential Tenancy Branch

