



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 Tenant 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.

I accept the Tenant’s evidence that the Landlord was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Landlord did not attend the hearing. The Tenant was given full opportunity to be heard, to present evidence and to make submissions. At the onset of the hearing the Tenant confirmed that the rental unit was located in the basement suite at the dispute address and the application has been amended to add “Basement Suite” to the dispute address.

Issue(s) to be Decided

Is the Tenant entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on September 10, 2014 and ended on April 29, 2015. At the outset of the tenancy, the Landlord collected \$1,000.00 as a security deposit from the Tenant. The Tenants provided its forwarding address in writing on April 29, 2015 at the move-out inspection. The Landlord did not file an application for dispute resolution to make a

claim against the security deposit and has not returned the security deposit to the Tenant. The Tenant claims return of double the security deposit.

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 receipt of the Tenant's forwarding address, I find that the Landlord is required to pay the Tenant double the security deposit in the amount of **\$2,000.00**. The Tenant is also entitled to recovery of the \$50.00 filing fee for a total entitlement of **\$2,050.00**.

Conclusion

I Grant the Tenant an Order under Section 67 of the Act for the amount of **\$2,050.00**. 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: November 13, 2015

Residential Tenancy Branch

