



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNSD, O

Introduction

This is an application brought by the tenant(s) requesting a monetary order for \$3600.00, and requesting recovery of the \$50.00 filing fee.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

Issue(s) to be Decided

The issue is whether or not the tenant has established the right to an order for return of double his \$1800.00 security deposit for total of \$3600.00.

Background and Evidence

This tenancy began on October 1, 2014, and ended on September 30, 2015.

At the beginning of the tenancy the tenant paid a security deposit of \$1800.00.

The landlord was given a forwarding address in writing on October 15, 2015.

Landlord testified that she has not applied for dispute resolution to keep any or all of the security deposit.

The tenant is requesting an order for return of double his security deposit.

Analysis

Section 38 of the Residential Tenancy Act states that, if the landlord does not either return the security deposit or apply for dispute resolution within 15 days after the later of the date the tenancy ends or the date the landlord receives the tenants forwarding address in writing, the landlord must pay the tenant double the amount of security deposit.

The landlord has not returned the tenants security deposit or applied for dispute resolution to keep any or all of tenant's security deposit and the time limit in which to apply is now past.

This tenancy ended on September 30, 2015 and the landlord had a forwarding address in writing by October 15, 2015 and there is no evidence to show that the tenant's right to return of the deposit has been extinguished.

Therefore the landlord must pay double the amount of the security deposit to the tenant.

The tenant paid a security deposit of \$1800.00, and therefore pursuant to section 38 of the Residential Tenancy Act the landlord must pay \$3600.00 to the tenant.

I also allow the tenants request for recovery of the \$50.00 filing fee.

Conclusion

Pursuant to sections 38, 67, and 72 of the Residential Tenancy Act I've issued a monetary order in the amount of \$3650.00.

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: June 28, 2016

Residential Tenancy Branch