



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MNSD, O, FF

### **Introduction**

This hearing dealt with an application by the tenant for a monetary order for the return of the security deposit. During the hearing, the tenant also requested for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

### **Issues to be Decided**

Is the tenant entitled to the return of the security deposit and to the recovery of the filing fee?

### **Background and Evidence**

Both parties agreed that the tenancy started on May 01, 2014 and ended on October 31, 2015 pursuant to a notice to end tenancy served on the landlord by the tenant, on September 26, 2015. The landlord agreed that he received the tenant's forwarding address on November 03, 2015.

The landlord stated that the tenant left behind some of his personal belongings and also took some of the landlord's possessions when he moved out. The landlord stated that for these reasons, he did not return the deposit to the tenant. On November 27, 2015, the tenant filed this application.

### **Analysis**

Section 38(1) of the Act provides that the landlord must return the security deposit or apply for dispute resolution within 15 days after the later of the end of the tenancy and the date the forwarding address is received in writing.

Based on the sworn testimony of both parties, I find that the tenancy ended on October 31, 2015 and the landlord was notified of the tenant's forwarding address on November 03, 2015. I further find that the landlord failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address. Therefore, the landlord is liable under section 38(6), which provides that the landlord must pay the tenant double the amount of the security deposit.

The landlord currently holds a security deposit of \$750.00 and is obligated under section 38 to return double this amount. Since the tenant has proven his claim, I award him the recovery of the filing fee of \$50.00.

Overall the tenant has established a claim of \$1,550.00. I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for this amount, which represents double the base security deposit plus the filing fee. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the tenant a monetary order in the amount of **\$1,550.00**.

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