



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes

MNSD

### Introduction

This hearing was convened by way of conference call in response to the tenant's application for a Monetary Order to recover double the security deposit.

Service of the hearing documents, by the tenant to the landlord, was done in accordance with section 89 of the *Act*; served by registered mail to both landlords on March 17, 2016. Canada Post tracking numbers were provided by the tenant in documentary evidence. The landlords were deemed to be served the hearing documents on the fifth day after they were mailed as per section 90(a) of the *Act*.

The tenant appeared, gave sworn testimony, was provided the opportunity to present evidence orally, in writing, and in documentary form. There was no appearance for the landlords, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

### Issue(s) to be Decided

Is the tenant entitled to recover double the security deposit?

### Background and Evidence

The tenant testified that this tenancy started on September 01, 2014 for a month to month tenancy. The tenant rented a room in the landlords' basement suite and shared common areas with other tenants. The tenant paid a monthly rent of \$285.00 which was due on the 1<sup>st</sup> day of each month in advance. The tenant testified that she paid \$140.00 for the security deposit on August 10, 2014 and has provided a confirmation of this signed by one of the landlords.

The tenant testified that she vacated the rental unit on October 01, 2015 and did not give the landlords written permission to keep all or part of the security deposit. The tenant testified that she provided her forwarding address in writing to the landlords on August 30, 2015 in person when she handed them her notice to end her tenancy. The tenant has provided a copy of the letter given to the landlord with her forwarding address.

The tenant testified that the landlords did not complete a move in condition inspection report at the start or end of the tenancy.

The tenant testified that the landlords have not returned the tenant's security deposit within 15 days and therefore the tenant seeks to recover double the security deposit.

### Analysis

Section 38(1) of the *Residential Tenancy Act (Act)* says that a landlord has 15 days from the end of the tenancy or from the date that the landlord receives the tenant's forwarding address in writing to either return the security deposit to the tenant or to make a claim against it by applying for Dispute Resolution. If the landlord does not do either of these things and does not have the written consent of the tenant to keep all or part of the security deposit then pursuant to section 38(6)(b) of the *Act*, the landlord must pay double the amount of the security deposit to the tenant.

Therefore, based on the above and the undisputed evidence presented I find that the landlords did receive the tenant's forwarding address in writing on August 30, 2015. As a result, the landlords had until September 14, 2015 to return all of the tenant's security deposit or file a claim to keep it. As the landlords failed to do so, the tenant has established a claim for the return of double the security deposit to an amount of **\$280.00**, pursuant to section 38(6)(b) of the *Act*. There has been no accrued interest on the security deposit for the term of the tenancy.

### Conclusion

For the reasons set out above, I grant the tenant a Monetary Order pursuant to Section 38(6)(b) of the *Act* in the amount of **\$280.00**. This Order must be served on the Respondents and may then be filed in the Provincial Court (Small Claims) and enforced as an Order of that Court if the Respondents fail to comply with the Order.

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: July 20, 2016

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Residential Tenancy Branch