



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. A monetary order in the sum of \$3625 for double the security deposit.
- b. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was served by courier on April 11, 2016. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to the return of double the security deposit/pet deposit?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a 13 month fixed term written tenancy agreement that provided that the tenancy would start on March 1, 2015 and end on March 31, 2016. The rent was \$3325 per month payable in advance on the first day of each month. The landlord and Tenant were involved in a dispute. The tenants paid a security deposit of \$1612.50

plus a \$200 key deposit for a total \$1812.50. In early August the tenants e-mailed the landlord advising that they were vacating at the end of August.

The tenants provided the landlord their forwarding address in writing. The landlord filed an Application for Dispute Resolution on September 14, 2015 and served it by registered mail. However, by this time the tenants had left the country on an extended vacation. The landlord's claim was heard on March 17, 2016 in the absence of the tenant. The arbitrator rendered a decision on March 24, 2016 where the arbitrator issued a monetary order in favour of the landlord against the tenants in the sum of \$3425 and further ordered in accordance with the offsetting provisions of section 72 that the landlord may retain \$1625.50 of the tenant's security deposit in partial satisfaction of the monetary award. The Tenants application for review was dismissed.

#### Analysis

I ordered that the application of the Tenant for double the security deposit be dismissed without leave to re-apply as the matter has been dealt with in a previous application.

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: August 29, 2016

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Residential Tenancy Branch