



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FF

Introduction

This hearing dealt with an application by the tenant for double recovery of the security deposit. The tenant attended the teleconference hearing but the landlord did not.

The tenant stated that the landlord was served with the application for dispute resolution and notice of hearing by registered mail sent on or about February 27, 2016. The tenant stated that the Canada Post website showed that the landlord had received the hearing package. I accepted the tenant's evidence that the landlord was served with notice of the hearing, and I proceeded with the hearing in the absence of the landlord.

Issue(s) to be Decided

Is the tenant entitled to double recovery of the security deposit?

Background and Evidence

The tenancy began on February 15, 2015. At the beginning of the tenancy, the tenant paid the landlord a security deposit of \$737.50. The tenancy ended on January 30, 2016. The tenant provided the landlord with her written forwarding address by email on February 2, 2016. The tenant stated that she received an email response from the landlord and they sent her a cheque to the forwarding address she provided. The

landlord failed to return the security deposit or apply for dispute resolution within 15 days of the tenant providing her forwarding address in writing.

Analysis

Section 38 of the *Residential Tenancy Act* requires that 15 days after the later of the end of tenancy and the tenant providing the landlord with a written forwarding address, the landlord must repay the security deposit or make an application for dispute resolution. If the landlord fails to do so, then the tenant is entitled to recovery of double the amount of the security deposit.

In this case, the tenancy ended on January 30, 2016, and the tenant her forwarding address in writing on February 2, 2016. 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 in writing. I therefore find that the tenant has established a claim for double recovery of the security deposit, in the amount of \$1,475.00.

As her application was successful, the tenant is also entitled to recover the \$100.00 filing fee for the cost of this application.

Conclusion

The tenant's application is successful.

It was not clear from the evidence presented whether the landlord returned the base amount of the security deposit. I therefore grant the tenant an order for the doubled amount of the deposit plus the filing fee, for a balance of \$1,575.00. If the landlord has already returned the base amount of the security deposit, that amount must be deducted from the monetary order. The monetary 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 *Residential Tenancy Act*.

Dated: October 18, 2016

Residential Tenancy Branch

