



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COBBLESTONE VILLAGE ENTERPRISES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD FF

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, submitted to the Residential Tenancy Branch on May 26, 2016 (the "Application"). The Tenant applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- an order that the Landlord to return all or part of the security deposit or pet damage deposit; and
- an order granting recovery of the filing fee.

The Tenant's agent, L.L., attended the hearing and provided her solemn affirmation. Neither of the named Landlords attended the hearing.

On behalf of the Tenant, L.L. testified the Tenant's Application package, including the Notice of a Dispute Resolution Proceeding and her documentary evidence, was served on the Landlords by registered mail on May 26, 2016. Copies of the Canada Post registered mail receipts were submitted in support. Pursuant to section 90 of the *Act*, documents served in this manner are deemed to be received five days later. I find the Landlord is deemed to have received these documents on May 31, 2016.

The Tenant's agent was given an opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

1. Is the Tenant entitled to an order compelling the Landlord to return all or part of the security deposit or pet damage deposit?
2. Is the Tenant entitled to recover the filing fee?

Background and Evidence

The Tenant provided with her documentary evidence a copy of the written tenancy agreement. The tenancy began on September 1, 2014 and ended on or about April 30, 2016. During the tenancy, ownership of the rental unit transferred to the current Landlords. Rent in the amount of \$900.00 per month was due on the first day of each month. At the beginning of the tenancy, the Tenant paid a security deposit of \$450.00.

On behalf of the Tenant, L.L. testified that the Tenant provided her forwarding address in writing on the final condition inspection report dated April 30, 2016. A copy of the condition inspection report was included with the Tenant's documentary evidence. However, the Landlord has not repaid the security deposit to the Tenant.

Analysis

Based on the documentary evidence and oral testimony provided during the hearing, and on a balance of probabilities, I find:

Section 38(1) of the *Act* requires a landlord to repay the security deposit or make an application for dispute resolution within 15 days after the latter of the date the tenancy ends or the date the landlord receives the tenant's forwarding address in writing.

I find that the Landlords received the Tenant's forwarding address in writing on April 30, 2016, and that the Landlords have not repaid the security deposit or made an application for dispute resolution.

Section 38(6) of the *Act* stipulates that, if a landlord does not comply with section 38(1), the landlord may not make a claim against the security deposit, and must pay the tenant double the amount of the security deposit. I award the Tenant \$900.00, which is double the amount of the security deposit retained by the Landlord.

Having been successful, I also award the Tenant \$100.00 as recovery of the filing fee.

Accordingly, pursuant to section 67 of the *Act*, I grant the Tenant a monetary order in the amount of \$1,000.00.

Conclusion

The Tenant is granted a monetary order in the amount of \$1,000.00. This order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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: November 16, 2016

Residential Tenancy Branch