



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *MNSD*

### **Introduction**

This hearing dealt with an application by the tenant for a monetary order for the return of double the security deposit.

The tenant testified that he served the landlord with the notice of hearing by registered mail on July 18, 2016 to the address provided by the landlord on the move out inspection sheet. The tenant could not locate the tracking number or receipt but was very sure that he had mailed the notice of hearing package. I allowed the tenant some time to locate it but he was unsuccessful.

Even though the tenant was unable to provide a tracking number, I accept the tenant's testimony that he had served the landlord with the notice of hearing package by registered mail on July 18, 2016. I notified the tenant that he must locate proof of service and have it available, if needed. Despite having been served the notice of hearing, the landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issues to be Decided**

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

### **Background and Evidence**

The tenancy began on June 01, 2016 and ended on June 27, 2016. The monthly rent was \$675.00. Prior to moving in, the tenant paid a security deposit of \$350.00. The tenant filed copies of a rent receipt and a security deposit receipt both dated June 03, 2016.

The tenant testified that he provided the landlord with his forwarding address in writing, on June 27, 2016 and that the landlord did not return his calls or text messages. On July 12, 2016, 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 the tenant and in the absence of any contradictory evidence, I find that the tenant made this application 14 days after having provided the landlord with a forwarding address. Therefore the tenant's application for the return of double the deposit is dismissed because the tenant made an application prematurely without allowing for 15 days to pass before applying for the return of double the deposit.

However the tenant is entitled to the return of the base amount of his deposit and has not received it as of the date of this hearing. The landlord currently holds a security deposit of \$350.00. I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for **\$350.00**. 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 for **\$350.00**.

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: January 12, 2017

---

Residential Tenancy Branch