



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

The tenant applies to recover a \$225.00 security deposit, doubled pursuant to s. 38 of the *Residential Tenancy Act* (the “Act”).

The landlord did not attend the hearing within ten minutes after its scheduled start time.

The tenant showed that the landlord had been served with the application by registered mail addressed to the address provided by the landlord in the written tenancy agreement; a post office box. Canada Post records (tracking number shown on cover page of this decision) show that the mail was “refused by recipient” on December 9, 2016. A party cannot avoid this process by declining to collect her mail. On this evidence I find that the landlord has been duly served with the application.

The tenant testifies that she provided the landlord with a forwarding address in writing by registered mail in October 2016 but has not received her deposit money back.

On this evidence I find that the tenant is entitled to recover the \$225.00 deposit. I find that the landlord has failed to comply with s. 38 of the *Act* by either repaying the deposit money or making application to keep it within 15 days after the end of the tenancy and receipt of the tenant’s forwarding address in writing. As a result, the landlord must account to the tenant for double the deposit amount.

I award the tenant \$450.00 plus recovery of the \$100.00 filing fee for this application.

There will be a monetary order against the landlord in the amount of \$550.00.

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: February 28, 2017

Residential Tenancy Branch

