



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for the return of the security deposit - Section 38; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity under oath to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord required to return double the security deposit?

Is the Tenant entitled to recovery of the filing fee?

Background and Evidence

The following are undisputed facts: The tenancy started on March 1, 2016 and ended on or before August 31, 2016. Full rent was paid for August 2017. At the outset of the tenancy the Landlord collected \$400.00 as a security deposit and \$300.00 as a pet deposit. The Tenant provided its forwarding address to the Landlord on August 14, 2016 by placing it on the move-out inspection report dated August 14, 2016. The Landlord has not returned the security deposit and has not made an application for dispute resolution to claim against the security deposit.

The Tenant claims return of double the security deposit.

Analysis

Section 38 of the Act provides that within 15 days after the later of the date the tenancy ends, and the date the landlord receives the tenant's forwarding address in writing, the landlord must repay the security deposit or make an application for dispute resolution claiming against the security deposit. Where a Landlord fails to comply with this section, the landlord must pay the tenant double the amount of the security deposit. Based on the undisputed evidence I find that the Landlord received the Tenant's forwarding address on August 14, 2016 and failed to either return the deposits or make an application claiming against the deposits. For this reason the Landlord must now pay the Tenant double the combined security and pet deposit plus zero interest of **\$1,400.00**. As the Tenant's application has been successful I find that the Tenant is also entitled to recovery of the \$100.00 filing fee for a total entitlement of **\$1,500.00**.

Conclusion

I grant the Tenant an order under Section 67 of the Act for **\$1,500.00**. If necessary, this 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: March 07, 2017

Residential Tenancy Branch

