



Dispute Resolution Services

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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 September 3, 2016. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the landlord was deemed served with notice of the hearing on September 8, 2016, 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, 2016. The tenant stated that at the beginning of the tenancy they paid the landlord a security deposit of \$3,000.00. The tenancy ended on July 31, 2016. The tenant provided the landlord with their written forwarding address on July 30, 2016. The landlord has not returned the security deposit or applied for dispute resolution.

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 tenant provided their forwarding address in writing on July 30, 2016, and the tenancy ended on July 31, 2016. The landlord has 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 \$6,000.00.

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

Conclusion

I grant the tenant an order under section 67 for the balance due of \$6,100.00. 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 7, 2017

Residential Tenancy Branch

