



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

*MNSD, MNDC, FF*

### **Introduction**

This hearing dealt with an application by the tenant for a monetary order for the return of double the security and pet deposits and for the recovery of the filing fee.

Service of the hearing document, by the tenant to the landlord, was done in accordance with section 88 of the *Residential Tenancy Act*, sent via registered mail on September 19, 2016. The tenant provided a tracking number. A review of the tracking history indicates that the landlord picked up the package on September 20, 2016 and signed in acknowledgement.

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 deposits and the filing fee?

### **Background and Evidence**

The tenancy began on August 01, 2015 and ended on September 20, 2015. The monthly rent was \$900.00. Prior to moving in, the tenant paid a security deposit of \$450.00 and a pet deposit of \$450.00.

The tenant testified that she provided the landlord with her forwarding address in writing, in person on August 19, 2016. On September 14, 2016, the tenant made this application for the return of double the deposits

On October 24, 2016 the tenant received a cheque in the amount of \$900.00. The tenant stated that she had not yet cashed the cheque.

### **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 landlord failed to repay the deposits or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address and is therefore liable under section 38(6), which provides that the landlord must pay the tenant double the amount of the deposits.

The landlord currently holds security and pet deposits in the total amount of \$900.00 and is obligated under section 38 to return double this amount (\$1,800.00) plus interest on the base deposit (\$0.00). Since the tenant has proven her claim, she is also entitled to the recovery of the filing fee (\$100.00).

I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for **\$1,900.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

The tenant has already received a cheque in the amount of \$900.00. If the tenant is able to cash the cheque and does so then the landlord must return to the tenant, only the balance of the order in the amount of \$1,000.00

### **Conclusion**

I grant the tenant a monetary order for **\$1,900.00**.

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: March 14, 2017

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Residential Tenancy Branch