



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 Tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

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

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

Issue(s) to be Decided

Are the Tenants entitled to return of double the security and pet deposit?

Are the Tenants entitled to recovery of the filing fee?

Background and Evidence

The following are agreed facts: The tenancy started early December 2016 and ended on May 31, 2017. Rent of \$1,800.00 was payable on the first day of each month. At the outset of the tenancy the Landlords collected \$900.00 as a security deposit and \$100.00 as a pet deposit. No move-in or move-out inspection was done. The Tenants provided its forwarding address on May 31, 2017. The Landlords only returned \$36.00 to the Tenants and did not make an application for dispute resolution claiming against 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 agreed facts I find that the tenancy ended and the forwarding address was provided on May 31, 2017. As the Landlords did not return the full amount of the security and pet deposit and as they did not make any application to claim against the security deposit I find that the Tenants have substantiated an entitlement to double the combined security and pet deposit plus zero interest of **\$2,000.00**. As the Tenants have been successful I find that the Tenants are also entitled to recovery of the **\$100.00** filing fee for a total entitlement of **\$2,100.00**. Deducting the **\$36.00** already returned leaves **\$2,064.00** owed by the Landlords to the Tenants.

Conclusion

I grant the Tenants an order under Section 67 of the Act for **\$2,064.00**. 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: December 07, 2017

Residential Tenancy Branch