



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing was convened in response to an application by the Tenants for return of double the security deposit pursuant to section 38 of the *Residential Tenancy Act* (the “Act”).

The Tenant and Landlord 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 deposit?

Relevant Background and Evidence

The following are agreed facts: The tenancy started in 2009 under a different landlord and ended on April 30, 2018 with the named Landlord. Rent of \$900.00 was payable on the first day of each month throughout the tenancy. At the outset of the tenancy \$450.00 was collected as a security deposit and this continues to be held by the Landlord. The Landlord received the Tenant’s forwarding address in writing on June 29, 2016. The Landlord has not made any application to claim against the security deposit and has no written authorization from the Tenants to retain any portion of 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 that the Landlord received the Tenants' forwarding address, that the Landlord had no written authorization to retain any portion of the security deposit and neither returned the security deposit nor made an application to claim against the security deposit, I find that the Tenants have substantiated an entitlement to return of double the security deposit plus zero interest of **\$900.00**.

Conclusion

I grant the Tenant an order under Section 67 of the Act for **\$900.00**. 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 14, 2018

Residential Tenancy Branch