



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNR, MNSD, MND, FF.*

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for a monetary order for the cost of repairs and for the filing fee. The landlord also applied to retain the pet deposit in satisfaction of the monetary claim. The tenant applied for the return of double the pet deposit and for the recovery of the filing fee.

The tenant testified that she served the notice of hearing on the landlord on April 26, 2020, by email. Despite having been served the notice of hearing and having applied for dispute resolution, the landlord did not attend the hearing. The tenant stated that she had not received a notice of hearing package from the landlord. The tenant attended the hearing with her agent and was given full opportunity to present evidence and make submissions. Since the landlord did not attend this hearing, her application is dismissed without leave to reapply.

Issues to be decided

Is the tenant entitled to the return of double the pet deposit and to the recovery of the filing fee?

Background and Evidence

The tenant testified that the tenancy started on May 15, 2019. The monthly rent was \$700.00 due on the 15th of each month. Prior to moving in the tenant paid a security deposit of \$350.00 and a pet deposit of \$350.00. The landlord has returned the security deposit to the tenant and is currently holding the pet deposit.

The tenant testified that she provided the landlord with her forwarding address on February 29, 2020 by email. As of April 12, 2020, the tenant had not received the pet deposit and therefore filed this application. The landlord filed an application of her own on April 27, 2020 but failed to attend the hearing scheduled for this date.

Tenant's application:

The tenant applied for the return of double the deposit and the filing fee. 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 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 deposit.

The tenancy ended on March 01, 2020 and the landlord is deemed to have received the tenant's forwarding address on February 29, 2020. The landlord made application to keep the deposit on April 27, 2020 which is outside of the legislated time frame of 15 days. Therefore, I find that the tenant is entitled to the return of double the deposit. Since the tenant has proven her claim, she is entitled to recover the filing fee of \$100.00.

Overall the tenant has established a claim of \$800.00 which consists of double the pet deposit plus the filing fee. I grant the tenant an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the tenant a monetary order in the amount of **\$800.00**.

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: May 25, 2020

Residential Tenancy Branch