



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **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 Parties were each given full opportunity to be heard, to present evidence and to make submissions. No issues were raised in relation to either Party’s evidence.

### **Issue(s) to be Decided**

Are the Tenants entitled to double the security deposit?

### **Background and Evidence**

The tenancy started on April 1, 2018 and ended on November 1, 2 or 3, 2020. Rent of \$1,300.00 was payable monthly. At the outset of the tenancy the Landlord collected \$650.00 as a security deposit. The Tenants provided their forwarding address to the Landlord on September 29 or November 3, 2020. The Landlord did not make an application to claim against the security deposit and returned the security deposit on November 2021.

The Tenants claim double 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 undisputed evidence that the Landlord did not return the security deposit within 15 days receipt of the forwarding address I find that the Landlord must pay double the security deposit in the amount of \$1,300.00. Deducting the **\$650.00** already returned leaves **\$650.00** remaining. As the Tenants have been successful with their claim, I find that the Tenants are also entitled to recovery of the **\$100.00** filing fee for a total entitlement of **\$750.00**.

### Conclusion

I grant the Tenants an order under Section 67 of the Act for **\$750.00**. 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 Act.

Dated: February 21, 2023

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Residential Tenancy Branch