



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNSD, FFT

Introduction

This hearing was scheduled to convene at 1:00 p.m. on October 15, 2024 concerning an application made by the tenant seeking a monetary order for return of the security deposit or pet damage deposit, and to recover the filing fee from the landlord for the cost of the application.

The tenant attended the hearing, gave affirmed testimony and provided evidentiary material in advance of the hearing. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony, and no one for the landlord joined the call.

The tenant submitted that the landlord was served with the Application for Dispute Resolution and Notice of Dispute Resolution Proceeding, along with all evidence by registered mail on August 17, 2024 and has provided a Canada Post cash register receipt bearing that date. I am satisfied that the landlord has been served in accordance with the *Residential Tenancy Act*.

All evidence of the tenant has been reviewed and is considered in this Decision.

Issue(s) to be Decided

- Has the tenant established a monetary claim as against the landlord for all or part or double the amount of the security deposit, and interest?
- Should the tenant recover the filing fee from the landlord?

Background and Evidence

The tenant testified that this fixed-term tenancy began on June 16, 2021 and reverted to a month-to-month tenancy after July 31, 2022, which ultimately ended on November 30,

2022. A copy of the tenancy agreement has been provided for this hearing showing rent in the amount of \$2,500.00 payable on the 1st day of each month, and the tenant testified there are no rental arrears. On May 26, 2021 the landlord collected a security deposit from the tenant in the amount of \$1,250.00, which is still held in trust by the landlord, and no pet damage deposit was collected.

The tenant has also provided a copy of a Decision of the director, Residential Tenancy Branch dated March 26, 2024 following a hearing on that day. It states that the tenant had applied for a monetary order as against the landlord for compensation for damage or loss, and for return of the security deposit or pet damage deposit. It also states that the tenant's application for return of the security deposit is dismissed, with leave to reapply. The Decision orders the landlord to return the security deposit, plus interest, to the tenant within 15 days of March 26, 2024 or file a claim solely in relation to items not considered damage, failing which the tenant may apply for double the amount of the security deposit. The tenant testified that the landlord has not served the tenant with an Application for Dispute Resolution claiming against the security deposit.

Analysis

In reviewing the Decision of the director dated March 26, 2024, I calculate the 15 days to April 10, 2024. I also accept the undisputed testimony of the tenant that the landlord has not served the tenant with an Application for Dispute Resolution, and I have no such application before me. Therefore, I find that the tenant is entitled to double the amount of the security deposit, or \$2,500.00 and interest which I have calculated at \$51.64 from May 26, 2021 to today. I find that the tenant is entitled to recover the sum of \$2,551.64 from the landlord.

Since the tenant has been successful with the application the tenant is also entitled to recover the \$100.00 filing fee from the landlord.

I grant a monetary order in favour of the tenant as against the landlord in the amount of \$2,651.64. The landlord must be served with the order, which may be filed in the Provincial Court of British Columbia, Small Claims division and enforced as an order of that Court.

Conclusion

For the reasons set out above, I hereby grant a monetary order in favour of the tenant as against the landlord pursuant to Section 67 of the *Residential Tenancy Act* in the amount of \$2,651.64.

This order is final and binding and may be enforced.

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: October 15, 2024

Residential Tenancy Branch