



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## DECISION AND REASONS

**Dispute Codes:** *MNSD, FF*

### Introduction

This hearing dealt with an application by the tenant for a monetary order for the return of double the security deposit and the recovery of the filing fee.

Service of the hearing document, by the tenant to the landlord, was done in accordance with section 88 of the *Residential Tenancy Act*, sent via registered mail on June 23, 2009. The tenant filed a receipt with a tracking number. Despite having been served the notice of hearing, the landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

### Issue(s) to be Decided

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

### Background and Evidence

The tenancy began on January 03, 2009. The monthly rent was \$1450.00. Prior to moving in, the tenant paid a security deposit of \$725.00. The tenant moved out on March 02, 2009 and gave the landlord his forwarding address by registered mail on May 27, 2009. By June 16, 2009, the tenant had not heard back from the landlord and therefore, filed this application.

### Analysis

Section 38(1) of the Act provides that the landlord must return the security deposit or apply for dispute resolution within 15 days after the later of the end of the tenancy and the date the forwarding address is received in writing.

I find the landlord failed to repay the security deposit, nor did he make an application for dispute resolution to retain a portion of the security deposit within 15 days of receiving the tenant's forwarding address and is therefore liable under section 38(6), which provides that the landlord must pay the tenant double the amount of the deposit.

Based on the sworn testimony of the tenant and in the absence of evidence to the

contrary, I find that the landlord currently holds a security deposit of **\$725.00** and is obligated under section 38 to return this amount. The amount that is doubled is the base amount of the deposit which is **\$725.00**. The tenant has proven his case and is also entitled to the filing fee of **\$50.00**.

Accordingly, the tenant has established a claim for a total of **\$1,500.00**.

**Conclusion**

I grant the tenant an order under section 67 of the *Residential Tenancy Act*, for **\$1,500.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated September 25, 2009.

---

Dispute Resolution Officer