



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This hearing dealt with an application by the tenant for an order for the return of double her security and pet deposits. The tenant presented evidence showing that she served the landlord with the application for dispute resolution and notice of hearing via registered mail on November 29, 2011. I found that the landlord was properly served with application for dispute resolution and notice of hearing and the hearing proceeded.

### Issue to be Decided

Is the tenant entitled to the return of double her pet and security deposits?

### Background and Evidence

The undisputed facts before me are as follows. The tenancy began in January 2009 and ended on March 31, 2010. At the outset of the tenancy the landlord collected a security deposit of \$1,250.00 and several months into the tenancy the tenant paid a further \$1,250.00 as a pet deposit. On April 10, 2010, the tenant gave the landlord her forwarding address in writing and requested the return of the security and pet deposits. The landlord eventually returned \$500.00 to her but has not returned the remaining \$2,000.00 or applied for dispute resolution for an order authorizing him to retain it.

### Analysis

Section 38(1) of the Act provides that the landlord must return the security and pet 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 received the tenant's forwarding address on April 10, 2010 and I find the landlord failed to repay the full security and pet deposit or make an application for dispute resolution 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 security and pet deposits.

I find that the tenant is entitled to the return of double her security and pet deposits less the \$500.00 already returned and I award the tenant \$4,500.00. I further find that the tenant is entitled to recover the \$50.00 filing fee and I award her that sum.

Conclusion

I grant the tenant a monetary order under section 67 for \$4,550.00, which sum includes the double security and pet deposits and the \$50.00 filing. 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: April 06, 2011

---

Residential Tenancy Branch