



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNSD

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an order for return of double the \$375.00 security deposit, and a request for recovery of the \$50.00 filing fee, for a total claim of \$800.00.

Background and Evidence

The applicants testified that:

- The landlord has not returned their security deposit, and did not apply for dispute resolution within the time limit required under the Residential Tenancy Act and therefore they are requesting the return of double their deposit.

The respondent testified that:

- She was unaware of the requirement to apply for dispute resolution to keep the security deposit and therefore did not apply within the time limit.

Analysis

The Residential Tenancy Act states that, if the landlord does not either return the security deposit or apply for dispute resolution within 15 days after the later of the date the tenancy ends or the date the landlord receives the tenants forwarding address in writing, the landlord must pay the tenant double the amount of security deposit.

The landlord has not returned the tenants security deposit and did not apply for dispute resolution to keep any or all of tenant's security deposit within the time limit required under the act.

This tenancy ended on April 22, 2011 and the landlord had a forwarding address in writing by April 22, 2011 and there is no evidence to show that the tenant's right to return of the deposit has been extinguished.

Therefore the landlord must pay double the amount of the security deposit to the tenant.

The tenants paid a deposit of \$375.00 and therefore the landlord must pay \$750.00.

I also order recovery of the \$50.00 filing fee.

Conclusion

I have issued 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: August 31, 2011.

Residential Tenancy Branch