



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD FF

### Introduction

This hearing dealt with an application by the tenants for a double recovery of the security deposit. Despite having been served the notice of hearing and application for dispute resolution by registered mail on July 7, 2011, the landlord did not attend the hearing.

### Issue(s) to be Decided

Are the tenants entitled to double recovery of the security deposit?

### Background and Evidence

The tenancy began on September 13, 2008. The tenants paid a security deposit of \$400 on that date. The tenancy ended on May 1, 2011. The tenants provided the landlord with their written forwarding address when they served the landlord with their application for dispute resolution on July 7, 2011. The landlord has not returned the security deposit or applied for dispute resolution.

### Analysis

Section 38 of the Residential Tenancy Act requires that 15 days after the later of the end of tenancy and the tenant providing the landlord with a written forwarding address, the landlord must repay the security deposit or make an application for dispute resolution. If the landlord fails to do so, then the tenant is entitled to recovery of double the base amount of the security deposit.

In this case, the tenancy ended on May 1, 2011, and the tenants provided their forwarding address in writing on July 7, 2011. The landlord has failed to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address in writing.

I therefore find that the tenants have established a claim for the security deposit of \$400, accrued interest of \$1.80, and double the base amount of the security deposit in the amount of \$400, for a total of \$801.80. The tenants are also entitled to recover the \$50 filing fee for this application.

Conclusion

I grant the tenants an order under section 67 for the balance due of \$851.80. 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: October 11, 2011.

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Residential Tenancy Branch