Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

<u>Dispute Codes</u>   MNSD

This is an application for an order to retain the full security deposit of $275.00, however no hearing was held because even though I waited until well past the time at which the hearing was to start, the applicant did not join the conference call that was set up for the hearing.

I therefore dismissed this application without leave to re-apply.

Further, the respondent testified that no move-in inspection report or move out inspection report was done for this tenancy, and therefore the landlords right to claim against the security deposit for damages was extinguished, and since she did not have the right to file a claim, she was required to return to the security deposit within 15 days of the end of the tenancy, or receiving a forwarding address in writing whichever is later.

The Residential Tenancy Act also states that if the landlord fails to return the deposit in the required time limit, the landlord must pay double the amount of the security deposit to the tenant.

In this case the respondent/tenant testified that personally she gave the landlord a forwarding address in writing on September 15, 2012.

This tenancy ended on August 29, 2012 and the landlord had a forwarding address in writing by September 15, 2012 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 tenant paid a deposit of $275.00, and therefore the landlord must return $550.00.

Conclusion

As stated above the applicant's application is dismissed in full without leave to reapply, and I have issued an order for the landlord to pay $550.00 to the respondent.

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: December 13, 2012.

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Residential Tenancy Branch