



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD, FF

### Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for return of the security deposit - Section 38; and
2. An Order to recover the filing fee for this application - Section 72.

The Tenant and Landlord were each given full opportunity to be heard, to present evidence and to make submissions under oath.

### Issue(s) to be Decided

Is the Tenant entitled to the monetary amount claimed?

Is the Tenant entitled to recovery of the filing fee?

### Background and Evidence

The following are undisputed facts: The tenancy began on April 1, 2004 and ended on December 31, 2013. At the outset of the tenancy, the Landlord collected \$412.50 as a security deposit from the Tenant. The Tenant provided its forwarding address in writing on November 28, 2013. On January 15, 2014 the Landlord returned \$106.61 to the Tenant and on February 3, 2014 the Landlord returned \$320.50. The Landlord did not make an application for dispute resolution. The Tenant claims \$825.00.

### Analysis

Section 38 of the Act provides that within 15 days after the later of the date the tenancy ends, and the date the landlord receives the tenant’s forwarding address in writing, the

landlord must repay the security deposit or make an application for dispute resolution claiming against the security deposit. Where a Landlord fails to comply with this section, the landlord must pay the tenant double the amount of the security deposit. As the Landlord did not make an application for dispute resolution claiming against the security deposit, and failed to return the full security deposit within 15 days of the end of the tenancy, I find that the Landlord is required to pay the Tenant double the security deposit in the amount of \$825.00 plus interest of \$14.61. I reduce this amount by \$427.11 as the amount already received for an entitlement to the Tenant of **\$412.50**. As the Tenant has been successful with its application I find that the Tenant is also entitled to recovery of the **\$50.00** filing fee for a total entitlement of **\$462.50**.

#### Conclusion

I Grant the Tenant an Order under Section 67 of the Act for **\$462.50**. If necessary, 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 Act.

Dated: May 07, 2014

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Residential Tenancy Branch

