



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, 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.

Issue(s) to be Decided

Is the Tenant entitled to return of the security deposit?

Is the Tenant entitled to recovery of the filing fee?

Background and Evidence

The tenancy began on December 15, 2013 and ended on December 20, 2013. At the outset of the tenancy the Landlord collected \$325.00 as a security deposit. A move-in inspection was not conducted. The Tenant provided a forwarding address in writing on January 27, 2014. The Landlord has not returned the security deposit and has not made an application for dispute resolution to claim against the security deposit.

Although the Tenant indicated in her application that she was seeking both the return of rent paid and return of the security deposit, the Tenant is only seeking return of the security deposit.

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 failed to make an application for dispute resolution claiming against the security deposit, and failed to return the security deposit within 15 days of receipt of the Tenant's forwarding address, I find that the Landlord is required to pay the Tenant double the security deposit in the amount of **\$650.00**. The Tenant is also entitled to return of the \$50.00 filing fee for a total entitlement of **\$700.00**.

Conclusion

I Grant the Tenant an Order under Section 67 of the Act for **\$700.00**. 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: June 16, 2014

Residential Tenancy Branch

