



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNSD, FF

### Introduction

This Review 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. A Monetary Order for compensation - Section 67.

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 the monetary amount claimed?

### Background and Evidence

The following is undisputed evidence: The tenancy began on June 20, 2013 and ended on August 30, 2013. At the outset of the tenancy, the Landlord collected \$237.50 as a security deposit from the Tenant. The Tenant provided the forwarding address in writing on August 9, 2013. The Landlord has not returned the security deposit and has not made an application for dispute resolution to claim against the security deposit.

The Tenant claims \$475.00.

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 failed to make an application for dispute resolution claiming against the security deposit, and failed to return the 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 **\$475.00**.

Conclusion

I Grant the Tenant an Order under Section 67 of the Act for **\$475.00**. 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: July 08, 2014

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Residential Tenancy Branch

