



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OLC, 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;
2. An Order for the Landlord’s compliance – Section 62; and
3. An Order to recover the filing fee for this application - Section 72.

I accept the Tenant’s evidence that each Landlord was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Landlords did not participate in the hearing. The Tenant was 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 amounts claimed?

Background and Evidence

The tenancy began on May 1, 2014 and ended on August 31, 2014. At the outset of the tenancy, the Landlord collected a security deposit from the Tenant in the amount of \$200.00. The Tenant provided the forwarding address in writing on August 30, 2014. The security deposit has not been returned and the Landlord has made no application for dispute resolution. The Tenant claims return of double 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. Based on the undisputed evidence of the Tenant I find that the security deposit has not been returned and that the Landlord made no application to claim against the security deposit. I find therefore that the Tenant is entitled to return of double the security deposit plus zero interest in the amount of **\$400.00**. The Tenant is also entitled to return of the \$50.00 filing fee for a total entitlement of **\$450.00**.

Conclusion

I Grant the Tenant an Order under Section 67 of the Act for the amount of **\$450.00**. 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: April 27, 2015

Residential Tenancy Branch

