



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, 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 double 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.

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

Issue(s) to be Decided

Is the Tenant entitled to return of double the security deposit?

Is the Tenant entitled to recovery of the filing fee?

Background and Evidence

The following are relevant and agreed facts: The tenancy started on August 27, 2015 and ended on April 29, 2016. Rent of \$1,600.00 was payable on the first day of each month. At the outset of the tenancy the Landlord collected \$800 as a security deposit and \$500 as a pet deposit. The Tenant provided her forwarding address in writing on April 29, 2016. The Landlord has not returned the security deposit and has not made an application to claim against 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 agreed facts I find that the Landlord failed to return the security deposit as required and that the Landlord is therefore required to pay the Tenant double the combined security and pet deposit plus zero interest in the amount of **\$2,600.00**. As the Tenant's application has been successful the Tenant is also entitled to recovery of the **\$100.00** filing fee for a total entitlement of **\$2,700.00**.

Conclusion

I grant the Tenant an order under Section 67 of the Act for **\$2,700.00**. 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 *Residential Tenancy Act*.

Dated: November 22, 2016

Residential Tenancy Branch