



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes:

MNSD

Introduction

This hearing dealt with an application by the tenant, pursuant to the *Residential Tenancy Act* for a monetary order for the return of all of the security deposit pursuant to Section 38.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. On the basis of the solemnly affirmed evidence presented at the hearing, a decision has been reached.

Issues to be Decided

Is the tenant entitled to the return of the security deposit?

Background and Evidence

Based on the sworn testimony of both parties, the facts are as follows:

The tenancy started on August 01, 2007 and the tenant paid a security deposit of \$100.00 on that day. The tenant moved out on November 30, 2008. The tenant did not provide the landlord with a forwarding address in writing.

Analysis

Section 38 (1) of the *Residential Tenancy Act* states that within 15 days after the later of the date the tenancy ends or the date that the landlord receives the tenant's forwarding address in writing, the landlord must repay the security deposit to the tenant with interest or make an application to claim against the security deposit. I find that the tenancy ended on November 30, 2008, and the tenant failed to provide the landlord with a forwarding address in writing. Accordingly, I find that the tenant is not entitled to the return of the security deposit, until the address is supplied to the landlord.

Conclusion

The tenant's application is dismissed with leave to reapply.

Dated February 11, 2009.

Dispute Resolution Officer