



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNSD, MNDC

### Introduction

A small amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

One respondent was served with notice of the hearing by hand on September 28, 2009, and the other was served by registered mail that was mailed on September 28, 2009, but neither respondent joined the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This is a request for the return of the security deposit plus interest, and a request for return of rent paid for the month of September 2009. Total amount requested--  
\$1012.50

### Decision and reasons

#### Security deposit

The tenant has applied for the return of her security deposit; however the tenant did not give the landlord(s) a forwarding address in writing, as required by the Residential Tenancy Act, prior to applying for arbitration.



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Therefore at the time that the tenant applied for dispute resolution, the landlord(s) were under no obligation to return the security deposit and therefore this application is premature.

I therefore dismiss the claim for the return of the security deposit plus interest, with leave to re-apply.

## September 2009 rent

The tenant is requesting that the September 2009 rent be returned; claiming that she gave proper Notice to End Tenancy; however the written Notice to End Tenancy was given to the landlord on August 5, 2009, and therefore is valid for the end of the following month, September 2009. To end the tenancy at the end of August 2009 the Notice to End Tenancy would have to have been served on the landlord prior to August 1, 2009.

The tenant testified that she believes the rental unit was re-rented in the month of September 2009 however she has failed to provide any evidence to show that the landlord re-rented the rental unit in the month of September.

I therefore dismiss the tenants claim for the return of September 2009 rent.

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: January 15, 2010.

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Dispute Resolution Officer