



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

This matter dealt with an application by the Tenant to cancel a One Month Notice to End Tenancy for Cause dated November 27, 2009. At the beginning of the hearing, the Tenant advised me that she moved out of the rental unit on January 7, 2010. As the tenancy has ended, I find that the Tenant's application is unnecessary and it is dismissed without leave to reapply.

The Tenant claimed that she had not received her security deposit from the Landlords. However, the Tenant did not apply for that relief in her application filed on December 3, 2009. Furthermore section 38(1) of the Act states that the Landlords have 15 days from the later of the end of the tenancy or the date they received the Tenant's forwarding address in writing to either return her security deposit or to make an application for dispute resolution to make a claim against the deposit. Consequently, the Tenant will have to make a separate application for the return of her security deposit if the Landlords do not take one of those courses of action within the time limits under the Act.

Conclusion

The Tenant's application is dismissed without leave to reapply. 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 13, 2010.

Dispute Resolution Officer