



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, FF

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for an order for a return of double the \$400.00 security deposit for a total of \$800.00, plus the filing fee of \$50.00.

Total order requested \$850.00.

Decision and reasons

The tenant has applied for the return of double the security deposit; however the tenant has not met the burden of proving that he gave the landlord(s) a forwarding address in writing, as required by the Residential Tenancy Act, prior to applying for arbitration.

The tenant claims to have handed the landlord is forwarding address on a piece of paper on August 4, 2009, however the landlord denies ever receiving such a piece of paper from the tenant and is adamant that he is never received a forwarding address



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from the tenant. The burden of proving a claim lies with the person making the claim and when it is just that person's word against the word of the other that burden of proof is not met.

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

At the hearing the tenant stated that the address on the application for dispute resolution is his present forwarding address; therefore the landlord(s) are now considered to have received the forwarding address in writing as of today, February 8, 2010.

Conclusion

This application is dismissed with 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: February 08, 2010.

Dispute Resolution Officer