DECISION

<u>Dispute Codes</u>   OPR, MNR, MNSD, FF

<u>Introduction</u>

This hearing was scheduled for 9:00 a.m. on this date to hear the landlord's application for an Order of Possession and Monetary Order for unpaid rent, retention of the security deposit and recovery of the filing fee. The landlord did not appear at the hearing; however, the tenant was present and was prepared to respond to the landlord's claims. Accordingly, I dismissed the landlord's claims without leave to reapply.

The tenant requested she be provided a Monetary Order for return of her security deposit.

<u>Issues(s) to be Decided</u>

Is the tenant entitled to a Monetary Order for return of the security deposit?

<u>Background and Evidence</u>

The tenant testified that her tenancy ended January 27, 2010 but that she had not yet provided the landlord with a forwarding address.

<u>Analysis</u>

Under section 38(1) of the Act, the landlord must return the security deposit to the tenant or make an application to retain it within 15 days of the tenancy ending or receiving the tenant's forwarding address in writing, whichever date is later. If the landlord does not comply with section 38(1) of the Act, the landlord must pay the tenant double the security deposit.

As the tenant has not yet provided her forwarding address to the landlord in writing, I do not order return of the security deposit at this time. The tenant is at liberty to make an Application for Dispute Resolution if the landlord does not comply with the requirements of section 38(1) of the Act.

As the landlord's claim for unpaid rent in the amount of $1,500.00 had been dismissed, the landlord is now precluded from making this claim against the tenant again.

Conclusion

The landlord's application has been dismissed without leave to reapply. The tenant is at liberty to make an Application for Dispute Resolution if the landlord does not return the security deposit within 15 days of receiving the tenant's forwarding address in writing.

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: March 04, 2010.

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Dispute Resolution Officer