

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This hearing dealt with an application by the tenant for an order for the return of double his security deposit. The hearing was conducted by conference call. The tenant and the landlord participated in the hearing. The tenant presented evidence showing that he served the landlord with the application for dispute resolution and notice of hearing by registered mail.

### Issue(s) to be Decided

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

### Background and Evidence

The undisputed facts before me are as follows. The tenancy began on September 1, 2009\* and ended on December 31, 2009. At the outset of the tenancy the landlord collected a security deposit of \$1,050. The deposit was said to be a security deposit of 4900.00 plus a non-refundable cleaning fee of \$150.00. When the tenancy ended the tenant did not give the landlord his forwarding address in writing. He did send the landlord an e-mail requesting the return of his deposit and he said in the e-mail message that he would come and pick up the deposit from the landlord.

### Analysis

Section 38(1) of the Act provides that the landlord must return the security deposit or apply for dispute resolution within 15 days after the later of the end of the tenancy and the date the tenant's forwarding address is received in writing. The landlord's obligation to deal with the deposit is not triggered until such time as the landlord has received the address in writing. While the tenant may have requested the return of his deposit and offered to attend to pick it up, I find that this is not sufficient to trigger the landlord's obligation to deal with the deposit. At the hearing the tenant confirmed that the address for service he provided on his application for dispute resolution is his forwarding

address. The landlord is hereby put on notice that she is deemed to have received the tenant's forwarding address in writing as of the date of this decision. The landlord was advised at the hearing that as of today, April 21, 2010 she has notice of the tenant's forwarding address. The landlord must either make an application for dispute resolution or return the deposit to the tenant no later than May 6, 2010.

### Conclusion

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

Dated: April 21, 2010.

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