

DECISION

Dispute Codes MNDC, OLC, RPP, 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 return of the double the \$750.00 security deposit, for a total of \$1500.00 plus interest. The applicant is also requesting that the respondent bear the \$50.00 cost of the filing fee that was paid for the application for dispute resolution.

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 has given the landlord a forwarding address in writing, as required by the Residential Tenancy Act, prior to applying for arbitration.

The tenant stated that he has sent numerous e-mails to the landlord, with his forwarding address; however serving by e-mail is not a method that is presently recognized by the Residential Tenancy Act, and therefore since the landlord denies receiving these e-mails is my finding that the claimed e-mail service is not proper service.

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

At the hearing the tenant stated that the address on the application for dispute resolution is his present forwarding address; therefore the landlord is now considered to have received the forwarding address in writing as of today, June 16, 2010.

The landlord therefore has 15 days from today's date to either return the deposit or apply for dispute resolution to keep the deposit.

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: June 16, 2010.

Dispute Resolution Officer