



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

OPT

Introduction

This Dispute Resolution hearing was convened to deal with an Application by the tenant seeking an order of possession to rent a unit for which a deposit was paid but the landlord had rented the unit to another party, refusing to allow the tenant to move in and had kept the tenant's security deposit.

Despite having been served by registered mail, the landlord did not appear and only the tenant appeared.

At the outset of the hearing, the tenant advised that she had obtained another rental unit. The tenant stated that she would be sending the landlord her forwarding address seeking the return of her deposit and possibly damages for the landlord's contravention of the Act and agreement.

Accordingly, I find that the matter before me cannot proceed. However, once the written forwarding address has been given by the tenant to the landlord, the tenant is at liberty to make application for the return of her security deposit pursuant to section 38 of the Act in future should the landlord fail to return it and to seek any other damages resulting from the alleged contravention of the tenancy agreement as she sees fit. I hereby dismiss the tenant's application for the Order of Possession.

July 2010

Date of Decision

Dispute Resolution Officer