

DECISION

Dispute Codes MNSD, FF

Introduction

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

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on April 9, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a return of the full security deposit of \$350.00 and a request of 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 the security deposit; however the tenant has not met the burden of proving that he gave the landlord a forwarding address in writing, as required by the Residential Tenancy Act, prior to applying for arbitration.

The tenant had sent the forwarding address to the landlord's lawyer however the lawyers sent a letter stating they no longer acted on behalf of the landlord and that the documents would be forwarded to her.

The lawyers did not however supply any proof of service of the documents on the landlord, and without any evidence of service of the forwarding address in writing, I am not willing to proceed with this matter

The landlord is under no obligation to return the security deposit until the landlord receives a forwarding address in writing and in the absence of any proof that the landlord has ever received a forwarding address in writing, this application is premature.

I therefore dismiss this claim with leave to re-apply.

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: July 28, 2010.

Dispute Resolution Officer