



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an application by the tenants for an order for the return of double their security deposit. Both parties participated in the conference call hearing.

Issue to be Decided

Are the tenants entitled to the return of double their security deposit?

Background and Evidence

The undisputed facts before me are as follows. A \$400.00 deposit was paid to the landlord on February 20. On or about March 1 the tenants advised the landlord that they would not be moving into the rental unit and requested the return of their deposit. The tenants claimed that they gave the landlord their forwarding address in writing sometime in early March. The landlord testified that he did not receive the forwarding address until he received the application for dispute resolution.

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 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. I find that the tenants have not proven on the balance of probabilities that they gave their forwarding address in writing to the landlord prior to the time they served him with the application for dispute resolution. I find that the tenants' application is premature. At the hearing the tenants gave the landlord their new address. The

landlord was advised at the hearing that he is deemed to have received the tenants' forwarding address in writing on this date. The landlord must either make an application for dispute resolution or return the security deposit in full to the tenants no later than July 30, 2010.

Conclusion

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

Dated: July 15, 2010

Dispute Resolution Officer