



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD FF

Introduction

This hearing dealt with an application by the tenants for return of double the security deposit and recovery of the filing fee. Both parties attended the hearing and had an opportunity to be heard.

Issues(s) to be Decided

Are the tenants entitled to the order requested?

Background and Evidence

This tenancy began on June 1, 2009 and ended on March 31, 2010. The tenants paid a security deposit of \$750.00 at the start of the tenancy. The tenants vacated the rental unit on March 31st but did not provide the landlord with a forwarding address in writing until April 28, 2010 when the tenants served the landlord with the Application for Dispute Resolution. The landlord has not yet returned any of the security deposit and has not filed an Application for Dispute Resolution claiming against the deposit.

Analysis

Section 38(1) of the Act provides that within 15 days after the later of the date the tenancy ends and the date the landlord receives the tenant's forwarding address in writing, the landlord must either repay the security deposit to the tenant or file an application for dispute resolution claiming against the deposit. In the present case, the tenants did not provide the landlord with a forwarding address in writing until they served the landlord with the Application for Dispute Resolution. As a result, the tenant's application herein is premature because it was commenced prior to the end of the 15 day period that the landlord had to take some kind of action with respect to the deposit.

Conclusion

Based on the above facts and analysis, the tenants' application is dismissed with liberty 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*.