



# 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 tenant for return of double the security deposit and recovery of the filing fee. Although served with the Application for Dispute Resolution and Notice of Hearing sent by registered mail on May 21, 2010 the landlord failed to attend the hearing.

### Issues(s) to be Decided

Is the tenant entitled to the order requested?

### Background and Evidence

This tenancy began on September 1, 2006 and ended on March 31, 2010. The tenant paid a security deposit of \$250.00 at the start of the tenancy. On May 3, 2010 the tenant received a cheque in the amount of \$207.00 from the landlord representing her security deposit less \$50.00 which he had deducted. The tenant never provided her forwarding address in writing to the landlord – she just left a message on his answering machine.

### 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 tenant did not provide her forwarding address to the landlord until she served him with her Application for Dispute Resolution. As a result, the tenant's application for return of her security deposit is premature since it was filed *before* she had given the landlord her address in writing.

### Conclusion

Based on the above, I dismiss the tenant's application 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*.