



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD

This was an application by the tenant for the return of her security deposit. The hearing was conducted by conference call. The landlord was served with the application and Notice of hearing by registered mail sent on June 11, 2010.

Section 38 of the *Residential Tenancy Act* provides that when a tenancy ends, the landlord may only keep a security deposit if the tenant has consented in writing, or the landlord has an order for payment which has not been paid. Otherwise, the landlord must return the deposit, with interest if payable, or make a claim in the form of an Application for Dispute Resolution. Those steps must be taken within fifteen days of the end of the tenancy, or the date the tenant provides a forwarding address in writing, whichever is later.

Section 38 (6) of the *Residential Tenancy Act* provides that if a landlord does not return the deposit or make a claim within 15 days of receiving the tenant's forwarding address in writing he may not make a claim against the security deposit and he must pay the tenant double the amount of the security deposit.

According to the tenant's evidence she exchanged text messages with the landlord but she did not give the landlord a letter setting out her forwarding address in writing. In the absence of proof that the tenant has given the landlord a letter with her forwarding address, this application is dismissed with leave to reapply. The tenant should include a copy of the letter to the landlord as part of her evidence on a new application.