



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 tenant for an order for the return of double her security deposit. The tenant testified that she attended at the landlords' residence on or about July 20 and that the police served the application for dispute resolution and notice of hearing on that occasion. I found that the landlords were properly served with application for dispute resolution and notice of hearing and the hearing proceeded in their absence.

Issue to be Decided

Is the tenant entitled to the return of double her security deposit?

Background and Evidence

The undisputed facts before me are as follows. The tenancy began in January 2009 and ended on or about May 30, 2010. At the outset of the tenancy the landlord collected a security deposit of \$450.00. The tenant did not give the landlords her forwarding address in writing at the end of the tenancy but verbally told them she could be contacted at the same address she gave them at the outset of the tenancy.

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. While the tenant may have given her address verbally, I find that this is not

sufficient to trigger the landlord's obligation to deal with the deposit. I find that because the tenant has not provided a forwarding address in writing, her claim is premature.

Conclusion

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

Dated: December 06, 2010

Dispute Resolution Officer