



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 an order for the return of their security deposit. The named tenant appeared at the conference call hearing and the landlord attended with her son, who acted as her representative and translator. The landlord received the application for dispute resolution and responded by submitting evidence to support a claim against the deposit. The landlord has not filed her own application for dispute resolution.

Issues(s) to be Decided

Are the tenants entitled to the return of their security deposit as claimed?

Background and Evidence

The undisputed facts before me are as follows. The tenancy began on July 1, 2008 and ended on or about June 30, 2010. At the outset of the tenancy the landlord collected a security deposit of \$475.00. The tenant testified that she orally requested the return of the security deposit, but she has not provided the landlord with tenants' forwarding address in writing.

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 tenants' 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 tenants may have given their address verbally, I find that this is not sufficient to trigger the landlord's obligation to deal with the deposit. At the hearing the tenant confirmed that the address for service she provided on the application for dispute resolution is the tenants' forwarding address. The landlord is hereby put on notice that she is deemed to have received the tenant's forwarding address in writing on December 4, 2010, which is 5 days from the date of this decision. The landlord must make an application for dispute resolution to claim the deposit or she must return the deposit to the tenant no later than December 19, 2010.

Conclusion

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

Dated: November 29, 2010.
