



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNSD, FF

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties .

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an order for return of double the \$375.00 security deposit, and a request of the respondent bear the \$50.00 cost of the filing fee, for a total order of \$800.00.

Decision and reasons

The tenant has applied for the return of double the security deposit; however the tenant has not met the burden of proving that he gave the landlord a forwarding address in writing, as required by the Residential Tenancy Act, at least 15 days prior to applying for dispute resolution.



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Therefore at the time that the tenant applied for dispute resolution, the landlords were under no obligation to return the security deposit and therefore this application is premature.

I therefore dismiss this claim with leave to re-apply.

The landlord testified that she has already return the full security deposit plus interest and that it was mailed in September of 2010; however she will check her bank account and if the cheque has not been cashed she will put a stop payment on it and send a new cheque for the full security deposit plus interest by registered mail.

However the tenant requested that it not be sent until after the end of February 2011 as he will be out of town until the end of February 2011. Therefore it was agreed that that the landlord will return the security deposit plus interest by registered mail after February 2011, if the original check has not been cashed.

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*.

Dated: January 07, 2011.

Residential Tenancy Branch