



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      MNSD

### Introduction

This conference call hearing was convened in response to the tenant's application for a Monetary Order for the return of part of the security deposit.

Both parties attended the hearing. At the outset the landlord stated that he did not receive the tenant's forwarding address in writing. The tenant could not provide evidence to refute the landlord's submission, and stated that she believed she gave him the address when they met on August 1<sup>st</sup>, 2010.

### Issue(s) to be Decided

Is the tenant entitled to a Monetary Order, and for what amount?

### Background and Evidence

The rental unit consists of a mobile home in a manufactured home park located in Kamloops. Pursuant to a verbal agreement, the month to month tenancy started on March 1<sup>st</sup> 2010 and ended on July 31<sup>st</sup>, 2010. The monthly rent of \$800.00 was payable on the first of each month. The tenant paid a security and pet damage deposit in the combined amount of \$800.00.

The landlord believed that this matter was resolved when he met with the tenant upon moving out. At the hearing, the parties were provided an opportunity to informally resolve this matter; however they could not reach an agreement.

### Analysis

Section 38(1) of the *Residential Tenancy 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 landlord received the tenant's forwarding address in writing. While the tenant believed that she gave the landlord that address, I find this is not sufficient evidence to trigger the landlord's date by which he should have dealt with the security deposit. At the hearing the tenant confirmed that her address on the Tenant's Application for Dispute Resolution is her forwarding address.

The landlord is hereby put on notice that he has received the tenant's forwarding address in writing, effective January 30<sup>th</sup>, 2011, which is 5 days from the date of this decision. The landlord must either return the security deposit or file for dispute resolution no later than February 14<sup>th</sup>, 2011.

### Conclusion

The tenant's claim is dismissed with leave 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*.

Dated: January 25, 2011.

---

Residential Tenancy Branch