



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an application by the tenants for an order for the return of double their security deposit. Both parties participated in the conference call hearing

Issue to be Decided

Are the tenants entitled to the return of double their security deposit?

Background and Evidence

The parties agreed that the tenants paid a \$325.00 security deposit and that they vacated the rental unit in the summer of 2010. The tenants acknowledged that they did not give the landlord their forwarding address in writing prior to making their claim.

Analysis

Section 38(1) of the Act provides that the landlords 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 landlords' obligation to deal with the deposit is not triggered until such time as the landlords have received the address in writing. At the hearing the tenants gave the landlords their forwarding address. At the hearing I put the landlords on notice that they are deemed to have received the tenants' forwarding address in writing on March 7, 2011. The landlords must either make an application for dispute resolution or return the deposit to the tenants no later than March 22, 2011.

Conclusion

As the tenants' claim is premature, I dismiss the claim with leave to reapply.

Dated: March 07, 2011

Residential Tenancy Branch