



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This hearing dealt with an application by the tenant for an order for the return of double her security deposit. Both parties participated in the conference call hearing, the landlords through an agent.

### Issue to be Decided

Is the tenant entitled to an award of double her security deposit?

### Background and Evidence

The parties agreed that the tenancy began on April 1, 2009 at which time a \$950.00 security deposit was paid and ended on January 31, 2011. The tenant testified that she gave the landlords her forwarding address in writing on February 3 by placing the address in the landlords' mailbox together with the keys to the unit. The landlords' agent stated that the landlords received the keys but not the forwarding address.

### 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. The tenant bears the burden of proving that she provided her forwarding address in writing prior to the time she made her application for dispute resolution. In the absence of evidence to corroborate her claim that she gave it to the landlords at the same time she returned the keys to the unit, I find that she has failed to meet that burden. I find that the application is therefore premature and I dismiss the claim with leave to reapply.

At the hearing I confirmed that the tenant's address for service on her application for dispute resolution is correct and I put the landlords' agent on notice that I find that the

landlords received the tenant's forwarding address in writing on June 13, 2011, the date of this hearing. The landlord must either make an application for dispute resolution or return the deposit to the tenant no later than June 28, 2011.

Conclusion

The tenant's application 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: June 13, 2011

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Residential Tenancy Branch