



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 his security deposit. Both parties participated in the conference call hearing.

Issue to be Decided

Should the landlord be ordered to return the security deposit?

Background and Evidence

The facts are not in dispute. The tenancy began in February 2010 at which time the tenant paid a \$450.00 security deposit. The tenant vacated the rental unit on or about March 25, 2011 and verbally gave the landlord his 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. While the tenant may have given his 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 he provided on his application for dispute resolution is his forwarding address. The landlord is hereby put on notice that he is deemed to have received the tenant's forwarding address in writing on August 9, 2011, the date of this hearing. The landlord must either return the security deposit in full or make an application for an order permitting him to retain it no later than August 24, 2011.

Conclusion

The tenant's application is premature and 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: August 09, 2011

Residential Tenancy Branch