



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

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

Both parties attended the hearing and provided affirmed testimony. They were given a full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the tenant entitled to the return of the security deposit?

Background and Evidence

The rental unit consists of a manufactured home on a city lot. The landlord testified that pursuant to a written agreement, the tenancy started on April 29th, 2011. The rent was \$900.00 per month and the tenant paid a security deposit of \$450.00.

The landlord testified that the tenancy was based on a one year fixed term, and that the tenant left on or about July 1st, 2011. He stated that he did not receive written notice to end tenancy, that he did not receive the tenant's forwarding address in writing, nor did he know what her forwarding address was.

The tenant testified that she was removed from the rental unit by the police on June 15th, 2011, and that on June 18th, she called the landlord from to inform him that she was not allowed to return to the rental unit. She stated that the landlord obtained her forwarding address by contacting her ex. At the hearing the tenant confirmed that as of three weeks ago, the forwarding address for service provided on her application for dispute resolution is her forwarding address.

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.

The landlord is hereby put on notice that he is deemed to have received the tenant's forwarding address in writing on October 3rd, 2011, which is 5 days from the date of this decision. The landlord must either make an application for dispute resolution or return the security deposit to the tenant no later than October 18th, 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: September 28, 2011.

Residential Tenancy Branch