



# Dispute Resolution Services

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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. The hearing was conducted by conference call. The tenant participated but the landlord did not call in and did not attend the hearing. The tenant testified that she served the landlord with the application for dispute resolution and notice of hearing on July 25, 2011 by leaving it with her daughter at the landlord's residence. Because the landlord submitted written evidence in response to the tenant's application I find that the landlord was sufficiently served with the application for dispute resolution and notice of hearing and the hearing proceeded.

### Issue(s) to be Decided

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

### Background and Evidence

The undisputed facts before me are as follows. The tenancy began on March 1, 2011 and ended on June 30, 2011. At the outset of the tenancy the landlord collected a security deposit of \$425.00. The tenant testified that she gave the landlord her forwarding address in writing on a note written to the landlord agreeing to accept the month of June rent free. Apparently the landlord sent evidence to the Residential Tenancy Branch, but did not send copies to the tenant. In her evidence submitted to the Branch, the landlord submitted a copy of the note described by the tenant, but it did not contain the tenant's forwarding address. The tenant has not made a written request for the return of her security deposit and I do not have any documentary evidence from the tenant to show that she gave the landlord her forwarding address in writing before making this application.

### 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. I do not have evidence to prove that the tenant provided her forwarding address in writing and therefore the landlord's obligation to deal with the deposit has not been triggered. At the hearing the tenant confirmed that the address for service she provided on her application for dispute resolution is her current forwarding address. The landlord is hereby put on notice that she is deemed to have received the tenant's forwarding address in writing on October 31, 2011, which is 5 days from the date of this decision. The landlord must either make an application for dispute resolution or return the deposit to the tenant no later than November 15, 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: October 26, 2011.

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Residential Tenancy Branch