



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNSD

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an order for return of double the \$1650.00 security deposit for a total order of \$3300.00, and a request for an order for recovery of the filing fee.

Decision and reasons

The tenant(s) have applied for the return of double their security deposit; however the tenant(s) did not serve the landlord with a forwarding address in writing, by a method required by the Residential Tenancy Act, prior to applying for arbitration.

The tenant claims to have served the forwarding address by fax; however the landlord did not provide the tenant with a fax number for the service of documents, and also claims never to have received the aforementioned fax.

The Residential Tenancy Act only allows service by fax if the landlord has provided a fax number for the purpose of service of documents, and therefore in this case since the

landlord has not provided a fax number for the service of documents these documents are not considered served unless the landlord admits to having received them.

Therefore at the time that the tenant(s) applied for dispute resolution, the landlord was under no obligation to return the security deposit and this application is premature.

At the hearing the tenant stated that the address on the application for dispute resolution is the present forwarding address; therefore the landlord is now considered to have received the forwarding address in writing as of today, January 4, 2012.

Conclusion

This 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: January 04, 2012.

Residential Tenancy Branch