



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD

Introduction

This hearing dealt with an application by the tenant for a monetary order for the return of the security, pet and key deposits.

The tenant stated that she had served the landlord with the notice of hearing by registered mail. The tenant did not file any proof of service of the hearing package to the landlord. Despite allowing the tenant at least 15 minutes to locate her tracking slip, the tenant was unable to provide a tracking number.

The landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

Issue to be Decided

Was the landlord served with the notice of hearing? Did the tenant provide the landlord with a forwarding address in writing? Is the tenant entitled to the return of the deposits?

Background and Evidence

The tenancy started on July 01, 2009 and ended on January 01, 2010. The monthly rent was \$1,375.00 and the tenant stated that in August 2009, she paid a security deposit of \$687.50, a pet deposit of \$687.50 and a key deposit of \$75.00. The tenant did not file a copy of the tenancy agreement or receipts for payment of the deposits. The tenant filed a rent receipt for August which stated that she owed \$50.00 for a pet deposit.

The tenant filed a copy of a ten day notice to end tenancy dated October 01, 2009. The tenant stated that she requested the landlord to serve her the notice so that she could take it to social services to obtain the pet deposit. This contradicted the tenant's verbal testimony and handwritten receipt that she had paid the deposits in August 2009.

The tenant stated that she gave her forwarding address to the landlord in December 2009 but did not have any evidence to support her testimony.

The tenant had no explanation for why she waited two years less a day to make this application. The tenant stated that she moved out January 01, 2010. Her application is dated December 30, 2011.

Analysis

Section 88 of the *Residential Tenancy Act* addresses how to give or serve documents. The tenant did not provide any proof of service. Based on the testimony of the tenants, I am not satisfied that the notice of hearing was served in accordance with section 88 of the *Act*.

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.

Based on the sworn testimony of the tenant, I find that the tenant gave contradictory evidence regarding the payment of the deposits, did not have any receipts to support her testimony and did not file any evidence regarding providing the landlord with her forwarding address.

For the above reasons, I am dismissing the tenant's application for the return of the security, pet and key deposits.

Conclusion

The tenant's application is dismissed.

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: March 08, 2012.

Residential Tenancy Branch