



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 an order for the return of double his security deposit and pet deposit. The hearing was conducted by conference call. The tenant and the landlord called in and participated in the hearing.

Issue(s) to be Decided

Is the tenant entitled to the return of double his security deposit and pet deposit?

Background and Evidence

There is no written tenancy agreement. The tenancy began on or about June, 2009 and ended on March 30, 2012. At the outset of the tenancy the landlord collected a security deposit of \$375.00. the tenant also paid a pet deposit by instalments. The parties do not agree as to the amount paid as a pet deposit. the tenant said it was \$300.00. the landlord said it was \$250.00. Neither party provided any records or receipts. The tenant testified that he gave the landlord his forwarding address in writing on by letter dated March 30, 2012 sent by registered mail on March 30th. The tenant did not provide a record of a registered mailing on March 30th. The landlord said that he received a copy of the March 30th letter, but it was received along with the tenant's application for dispute resolution on April 19, 2012. I do not have any documentary evidence from the tenant to prove that he gave the landlord his 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 his forwarding address in writing before making this application 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 he provided on her application for dispute resolution is his current forwarding address. The landlord is hereby put on notice that he is deemed to have received the tenant's forwarding address in writing on May 22, 2012¹, 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 June 5, 2012.

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: May 17, 2012.

Residential Tenancy Branch