



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an application by the tenants for an order compelling the landlords to return their security deposit. Both parties participated in the conference call hearing.

Issue to be Decided

Are the tenants entitled to an award for the return of their security deposit?

Background and Evidence

The parties agreed that the tenancy began on October 15, 2011 and ended on March 31, 2012. They further agreed that the tenants paid a \$1,400.00 security deposit and that the tenants did not provide the landlords with their forwarding address in writing at the end of the tenancy.

Analysis

Section 38(1) of the Act provides that landlords 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 landlords' obligation to deal with the deposit is not triggered until such time as the landlords have received the address in writing.

I find that because the tenants have not provided their forwarding address in writing to the landlords, the landlords obligation to deal with the deposit has not been triggered and therefore this application for the return of the deposit is premature.

At the hearing, the tenants confirmed that the address for service they provided on their application for dispute resolution is their forwarding address. At the hearing, I advised the landlords that I find that they have received the tenants' forwarding address on the

date of the hearing, June 14, 2012. The landlords must either make an application for dispute resolution or return the deposit to the tenants no later than June 29, 2012.

Conclusion

The claim is dismissed with leave to reapply as it is premature.

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: June 14, 2012

Residential Tenancy Branch