



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC

Introduction

This hearing dealt with an application by the tenants seeking the return of double the security deposit. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Are the tenants entitled to the return of double the security deposit?

Background and Evidence

The tenancy began on or about June 1994 and ended November 4 or 5, 2010. The tenant's gave testimony that they had moved out by November 5, 2010. The tenants filed for dispute resolution on November 15, 2012. The tenant stated that they had given their forwarding address in writing to the landlord two weeks prior to moving out. The tenants stated that they were "still waiting to get their documentation in order for this hearing".

The landlord disputes that they had ever received the tenants forwarding address in writing.

Analysis

The tenants bear the burden of proving that they are entitled to their claim. The tenants are seeking an order for double the amount of their security deposit, but submitted no documents to show that they gave the landlord their forwarding address in writing after the tenancy ended. Section 39 of the *Residential Tenancy Act* provides that:

39 Despite any other provision of this Act, if a tenant does not give a landlord a forwarding address in writing within one year after the end of the tenancy,

(a) the landlord may keep the security deposit or the pet damage deposit, or both, and

(b) the right of the tenant to the return of the security deposit or pet damage deposit is extinguished.

The tenant has not provided any documents to establish that they gave the landlord their forwarding address in writing and I find that the tenant's right to the return of his security deposit has been extinguished pursuant to section 39 (b) of the *Act*.

Conclusion

The tenant's application is dismissed in its entirety without 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: February 21, 2013

Residential Tenancy Branch

