



Dispute Resolution Services

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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 for the return of their security deposit. The hearing was conducted by conference call. The tenants and the landlord called in and participated in the hearing. The landlord acknowledged at the hearing that she received the tenants' application and Notice of the hearing.

Issue(s) to be Decided

Are the tenants entitled to the return of their security deposit, including double the amount?

Background and Evidence

The tenancy has ended and the landlord has not returned the tenants' security deposit. The parties have exchanged we-mails, but the tenants did not provide the landlord with their written forwarding address. The tenants have not submitted any documentary evidence in support of their 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 tenants' 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. While the tenants may have given their address verbally or by e-mail, I find that this is not sufficient to trigger the landlord's obligation to deal with the deposit. At the hearing the tenant confirmed that the address for service he provided on the application for dispute resolution is the tenants' forwarding address. The landlord acknowledged that she now has the tenants' forwarding address. The landlord is

hereby put on notice that she is deemed to have received the tenants' forwarding address in writing as of April 8, 2013. The landlord must either make an application for dispute resolution or return the deposit to the tenants no later than April 22, 2013.

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: April 04, 2013

Residential Tenancy Branch

