



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNSD

### Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is an application for a monetary order for return of the \$375.00 security deposit, and a request for recovery of the \$50.00 filing fee.

### Decision in reasons

The tenant(s) have applied for the return of their security deposit; however the tenant(s) have not met the burden of proving that they gave the landlord a forwarding address in writing, as required by the Residential Tenancy Act, prior to applying for arbitration.

The tenant's agent claims that a forwarding address in writing was given by e-mail at some point; however the landlord denies receiving any forwarding address by e-mail until April 19, 2013, and since e-mail is not a method of service recognized under the Residential Tenancy Act, the landlord is not considered to have been served with a forwarding address in writing unless he admits receipt of that forwarding address.

The landlord does admit to receiving a forwarding address by e-mail on April 19, 2013 And therefore that is the date that the landlord is considered to have received a forwarding address in writing.

Therefore as of today's date the landlord is still under no obligation to return the security deposit yet, and therefore this application is premature.

Conclusion

I therefore dismiss this application with leave to re-apply.

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 24, 2013

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Residential Tenancy Branch

