



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This was an application by the tenant for the return of a security deposit. The hearing was conducted by conference call. The tenant attended with her advocate and the landlords' agent called in and participated in the hearing.

Issue(s) to be Decided

Is the tenant entitled to the return of her security deposit, including double the amount of the deposit?

Background and Evidence

The tenant did not submit any documentary evidence in support of her claim. She testified that the tenancy began in July 2002 and ended in April 2003. She said that she paid a security deposit of \$187.50 at the start of the tenancy. The landlord's representative noted that the tenant made a previous application in January of this year for the return of her security deposit. In the earlier application, which was cancelled, the tenant claimed \$200.00 whereas in this application she claimed payment of \$275.00.

Analysis

The *Residential Tenancy Act* provides by section 39 that if a tenant does not give a landlord a forwarding address in writing within one year after the end of the tenancy, the landlord may keep the security deposit and the right of the tenant to the return of the security deposit is extinguished. Section 60 of the *Residential Tenancy Act* provides that an application for dispute resolution must be made within two years of the date that the tenancy ends and if an application is not made within the two year period any claim under the Act or the tenancy agreement cease to exist for all purposes.

Conclusion

The tenancy ended more than 10 years ago. The tenant has not provided evidence to show that she provided her forwarding address to the landlord within a year of the end of the tenancy. Her right to the return of the deposit has been extinguished and any claim she may have under the *Residential Tenancy Act* has ceased to exist for all purposes. The tenant's application is dismissed 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: May 13, 2013

Residential Tenancy Branch

