



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION ON REQUEST FOR CORRECTION

Dispute Codes: FF MND MNDC MNSD SS

The applicant has requested a correction to the Residential Tenancy Branch decision dated July 23, 2013. Section 78 of Residential Tenancy Act enables the Residential Tenancy Branch to correct or clarify a decision or order.

The applicant relates to my decision and orders on the tenant's and landlord's cross applications in which the landlord was partially successful in their application for monetary compensation for damages and loss and the tenant was successful in being awarded a refund of double the tenant's security deposit and reimbursement for the cost of fuel left in the propane tank.

In the "*Request for Correction*", the landlord indicated that they were seeking a correction of information on page 9 of the Dispute Resolution decision. This relates to an analysis and findings with respect to the "*Tenant's Security Deposit*" and the landlord has supplied additional testimony that was already given verbally at the hearing, but was not documented in the decision, as it was heard but found not to be relevant.

I did accept, as a fact, that the tenant provided the landlord with a second forwarding address, mailed on April 25, 2013. However, I also found as a fact that the landlord had already been provided with a written forwarding address documented on the move out condition inspection report of April 6, 2013, at which time the 15 days in which to return or make an application to keep the deposit, started. I further found that the landlord had failed to make an application for dispute resolution until April 30, 2013, which is more than 15 days from the receipt of the initial forwarding address.

The Act does not provide that the 15-day deadline restarts on the date a subsequent forwarding address has been provided. In fact, by the time the tenant mailed the new forwarding address on April 25, 2013, the landlord should have already made the application to keep the deposit in compliance with section 38 of the Act, based on the provision of the first address the tenant provided at the move out condition inspection.

The above findings were clearly stated in the decision and were not stated in error. I therefore find that no corrections are necessary.

Dated: August 16, 2013

Residential Tenancy Branch