



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF, O

Introduction

This hearing dealt with an application by the tenant for an order compelling the landlord to return her security deposit. Both parties participated in the conference call hearing.

Issue to be Decided

Should the landlord be required to return the security deposit?

Background and Evidence

The parties agreed that the tenancy began on or about April 6, 2013, at which time the tenant paid a \$475.00 security deposit and that it ended when the tenant vacated the unit on April 30, 2013. The tenant did not provide her forwarding address in writing at the end of the tenancy, but expected the landlord to rely on the address provided at the beginning of the tenancy.

Analysis

In order to trigger the landlord's obligation to deal with the security deposit, section 38 of the Act requires that the tenant provide her forwarding address in writing at the end of the tenancy. I find that the tenant failed to do so and therefore the landlord's obligation to deal with the security deposit had not yet been triggered at the time the tenant made her application. I therefore find that the application is premature and I dismiss the claim with leave to reapply.

At the hearing, the tenant confirmed that the address on the application for dispute resolution is her forwarding address and I advised the landlord that within 15 days of the date of the hearing and no later than October 10, she must either return the deposit in full or file a claim against the deposit with the Residential Tenancy Branch.

Conclusion

The claim is dismissed with 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: September 25, 2013

Residential Tenancy Branch

