



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD, MNDC, RPP

Introduction

This hearing dealt with an application by the tenant for an order for the return of the security deposit and for the return of his personal belongings and the cost of his personal belongings that were disposed off by the landlord.

The tenant served the landlord with the notice of hearing in person on October 26, 2013. Despite having been served the landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

During the hearing the tenant informed me that he is in the process of obtaining police reports to support his claim for the return of his belongings and for the cost of his belongings that were disposed of by the landlord. The tenant requested that this portion of his claim be dismissed with leave to reapply. Since the tenant was unable to get the police reports in time for this hearing, I dismiss this portion of his application with leave to reapply. Therefore this hearing only dealt with the tenant's application for the return of the security deposit.

Issue(s) to be Decided

Is the tenant entitled to the return of the security deposit?

Background and Evidence

The tenancy began on July 23, 2013. The monthly rent is \$550.00 and prior to moving in the tenant paid a security deposit of \$275.00

The tenant stated that he has not yet provided the landlord with a forwarding address and plans to do so.

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 forwarding address is received in writing.

If the landlord fails to repay the security deposit or make an application for dispute resolution within 15 days of receiving the tenant's forwarding address, the landlord is liable under section 38(6), which provides that the landlord must pay the tenant double the amount of the security deposit.

In this case, the tenant has not yet provided a forwarding address to the landlord and therefore the tenant's application for the return of the deposit is premature. The tenant must provide the landlord with his forwarding address in writing and then allow the landlord 15 days to return the deposit or make an application to keep it. If the landlord does comply with s. 38, then the tenant is at liberty to make application for the return of double the security deposit.

Conclusion

The tenant's application 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: December 06, 2013

Residential Tenancy Branch

