



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD

### Introduction

This hearing dealt with an application by the tenant seeking the return of double the security deposit. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

### Issues to be Decided

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

### Background and Evidence

The tenancy began on or about November 1, 2012 and ended on April 30, 2013. Rent in the amount of \$1000.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$500.00.

The tenant gave the following testimony:

The tenant stated that he left the house in great condition and that he should be entitled to the return of his deposit. The tenant stated that he had made attempts to provide his forwarding address to the property managers but “they never show up”. The tenant stated that the subject property management company is “a lousy company and don’t run their business good”. The tenant stated he is requesting the return of double the deposit.

The landlords' agent gave the following testimony:

The agent stated that the subject tenant did not provide his forwarding address at anytime. The agent stated that the tenant was subject to an eviction and that the tenant left the unit severely damaged. The agent stated that the landlord has incurred costs of over seven thousand dollars because of this tenant. The agent stated that the landlords did not pursue the tenant for these claims due to his violent and threatening nature. The agent stated that they wished to have no further dealings with the tenant.

### Analysis

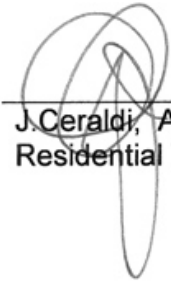
The tenant was extremely agitated and aggravated from the outset of the hearing. The tenant continually interrupted both I and the landlords agent. I made three attempts to inquire if and when the tenant provided his forwarding address in writing. The tenant provided a hand written letter as evidence that states he provided his forwarding address on June 4, 2013. When I asked the tenant to confirm this date the tenant stated he tried several times to provide it to the property manager but was moving around so often that he really wasn't able to give a firm location. This testimony was in direct contradiction to his documentation. I asked the tenant where he had mailed the letter to he stated "the Ministry of Canada paid my deposit so I'm not lying about that". The tenant was very disjointed and confusing in providing his testimony verging on rambling at times. The tenant was continually referring to the eviction that occurred in April and not the matter at hand. Based on the tenants testimony I'm not satisfied that the tenant has provided his forwarding address in writing to the landlord and thus this application is premature. Both parties are urged to review the applicable sections of the Act and their obligations.

### Conclusion

The tenants' 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: January 16, 2014



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J. Ceraldi, Arbitrator  
Residential Tenancy Branch



# Residential Tenancy Branch

RTB-136

## Now that you have your decision...

**All decisions are binding and both landlord and tenant are required to comply.**

The RTB website ([www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)) has information about:

- How and when to enforce an order of possession:  
Fact Sheet RTB-103: *Landlord: Enforcing an Order of Possession*
- How and when to enforce a monetary order:  
Fact Sheet RTB-108: *Enforcing a Monetary Order*
- How and when to have a decision or order corrected:  
Fact Sheet RTB-111: *Correction of a Decision or Order*
- How and when to have a decision or order clarified:  
Fact Sheet RTB-141: *Clarification of a Decision or Order*
- How and when to apply for the review of a decision:  
Fact Sheet RTB-100: *Review Consideration of a Decision or Order* **(Please Note: Legislated deadlines apply)**

To personally speak with Residential Tenancy Branch (RTB) staff or listen to our 24 Hour Recorded Information Line, please call:

- Toll-free: 1-800-665-8779
- Lower Mainland: 604-660-1020
- Victoria: 250-387-1602

Contact any Service BC Centre or visit the RTB office nearest you. For current information on locations and office hours, visit the RTB web site at [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)