



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FF

Introduction

This hearing was convened as a result of the tenant's application for dispute resolution seeking remedy under the *Residential Tenancy Act* (the "*Act*"). The tenant applied for the return of double her security deposit, and requested the recovery of her filing fee.

The tenant appeared at the teleconference hearing and gave affirmed testimony. During the hearing the tenant presented her evidence. A summary of the evidence is provided below and includes only that which is relevant to the hearing.

As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") and Application for Dispute Resolution (the "Application") were considered. The tenant testified that the Notice of Hearing, Application and documentary evidence were served on the landlord by registered mail on January 31, 2014. The tenant provided a registered mail receipt with tracking number as evidence and confirmed that the name and address matched the name of the landlord and the address of the landlord. Documents sent by registered mail are deemed served five days after mailing under the *Act*. The tenant stated that the registered mail package was returned as "unclaimed". I find the landlord was deemed duly served on the fifth day after mailing, in accordance with the *Act*, which was February 5, 2014.

Issue to be Decided

- Is the tenant entitled to the return of double their security deposit under the *Act*?

Background and Evidence

A periodic, month to month tenancy agreement began on or about the middle of May 2000. Monthly rent in the amount of \$650.00 was due on the first day of each month. A security deposit of \$500.00 was paid by the tenant at the start of the tenancy. The tenant stated that the tenancy ended on November 1, 2013, when the tenant vacated the rental unit.

The tenant provided a copy of her written forwarding address dated December 9, 2013, which does not include her full address, and is missing the unit/site number.

Analysis

Based on the documentary evidence and the undisputed testimony provided during the hearing, and on the balance of probabilities, I find the following.

Tenant's claim for the return of double the security deposit – I find that the tenant's application is premature, due to the fact that the written forwarding address submitted in evidence is missing the tenant's unit/site number. As a result, **I dismiss** the tenant's application **with leave to reapply**. Once the tenant has served her full forwarding address in writing to the landlord in accordance with section 38 of the *Act*, she is at liberty to reapply.

As the tenant's application is premature, I do not grant the tenant the recovery of the filing fee.

Conclusion

The tenant's application is premature and is dismissed, with leave to reapply.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 12, 2014

Residential Tenancy Branch

