



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was convened to address a claim by the tenant for an order for the return of his security deposit. Both parties participated in the conference call hearing.

Issue to be Decided

Is the tenant entitled to an order for the return of his security deposit?

Background and Evidence

The facts are not in dispute. The tenancy began in September 2013 at which time the tenant and his 2 co-tenants paid a total of \$2,400.00 for a security deposit. The tenancy ended on April 30, 2014 and although the landlord attempted to repay part of the security deposit, the tenants did not accept partial payment.

The tenant testified that he attempted to send his forwarding address via email but the email did not reach the landlord. The landlord stated that he did not receive the forwarding address until he received the tenant's application for dispute resolution.

Analysis

Section 38 of the Act provides that in order to trigger the landlord's obligation to deal with the security deposit, the tenant must vacate the rental unit and give his forwarding address in writing to the landlord. The forwarding address must be given prior to the time the tenant files an application for dispute resolution. I find that the tenant did not provide his forwarding address prior to filing his application and therefore I find that his claim is premature.

At the hearing, the tenant confirmed that the address on his application for dispute resolution is his forwarding address. The landlord will be deemed to have received the

forwarding address on September 23, 2014, the date of this decision, and must either make a claim against the deposit or return it in full no later than October 8, 2014. The tenant's claim for the return of the deposit is dismissed with leave to reapply.

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 23, 2014

Residential Tenancy Branch

