



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This hearing dealt with an Application by the Tenants for a monetary order for return of double the security deposit paid to the Landlord and for the return of the filing fee for the Application.

Only the Tenants appeared at the hearing. The Tenants provided affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

The Tenants testified and supplied documentary evidence that they served the Landlord with the Notice of Hearing and Application for Dispute Resolution by registered mail, sent on June 25, 2014, and deemed received under the Act five days later. The Tenants' documentary evidence and testimony indicates the registered mail was not claimed by the Landlord. I note that neglect or refusal to accept registered mail is not a ground for review under the Act. I find the Landlord has been duly served in accordance with the Act.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure; however, I refer to only the relevant facts and issues in this decision.

### Issue to be Decided

Has there been a breach of Section 38 of the Act by the Landlord?

### Background and Evidence

The Tenants paid the Landlord a security deposit of \$500.00 on May 15, 2000. The Tenants vacated the premises on November 15, 2013.

The Tenants provided the Landlord with a verbal notice of the forwarding address to return the security deposit to. There was no evidence that the Tenant provided the required *written* notice pursuant to section 39 of the Act.

There was also no evidence tendered by the Tenant that the Tenant participated in the Condition Inspection at the beginning or end of the tenancy as required by sections 23 and 35; therefore, it is not possible to ascertain whether the Tenant's right to claim against the security deposit was extinguished pursuant to sections 24 and 36.

#### Preliminary Matter

Based on the above, the testimony and evidence, and on a balance of probabilities, I find insufficient evidence to grant the Tenant's request. The Tenant's application is dismissed with leave to reapply.

#### Conclusion

The Tenant failed to provide evidence that she provided the Landlord with written notification of her forwarding address; nor did the Tenant provide evidence she participated in either the move in, or move out, condition inspection. Her application is dismissed with leave to reapply.

This decision is final and binding on the parties, except as 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: October 27, 2014

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Residential Tenancy Branch

