



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, OLC, RP O

Introduction

The tenant applies to recover a \$550.00 security deposit and damages for an alleged loss of washroom facilities for two weeks, alleged lack of written notice and issues concerning locks in the premises.

Since bringing this application the tenant has vacated the premises. He has not yet provided the landlord with a forwarding address in writing. The landlord attended and stated she wished to claim against the tenant for unpaid rent and for cleaning and repair to the rental unit.

As discussed at hearing, a tenant is not in a position to claim recovery of a security deposit until he has complied with s. 38 of the *Residential Tenancy Act* and given the landlord a forwarding address in writing.

I dismiss the tenant's application with leave for him to re-apply after providing the landlord with a forwarding address. I include in that dismissal the tenant's claim for about \$75.00 in damages (claim of \$625.00 less \$550.00 security deposit portion). That matter should properly be heard with the anticipated application of the landlord as it concerns the same issues, namely, the state of the premises. Whether the landlord makes her own application or not, the tenant is free to re-apply for his whole claim.

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: November 14, 2014

Residential Tenancy Branch

