



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This is an application for a monetary order for \$300.00, which represents the return of a security deposit.

The applicant testified that the respondent was served with notice of the hearing by personal service on July 12, 2014, however the respondent did not join the conference call that was set up for the hearing.

Since the respondent has been properly served with notice of the hearing I proceeded with the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

Have the tenants establish the right to an order for return of their \$300.00 security deposit?

Background and Evidence

This tenancy began on March 15, 2014 and ended on June 29, 2014.

The tenant testified that they paid a security deposit of \$300.00 in March of 2014.

The tenant further testified that they verbally gave the landlord a forwarding address, and followed up their request by text message.

The tenants are requesting an order for return of the security deposit.

Analysis

Section 39 of the Residential Tenancy Act states:

- 39** Despite any other provision of this Act, if a tenant does not give a landlord a forwarding address in writing within one year after the end of the tenancy,
- (a) the landlord may keep the security deposit or the pet damage deposit, or both, and
 - (b) the right of the tenant to the return of the security deposit or pet damage deposit is extinguished.

In this case the tenant testified that they gave a forwarding address verbally, and that they followed that up by text, however sending the landlord at text is not considered proper service of a forwarding address in writing.

Therefore it's my finding that at this time this application is premature, because the tenants have not yet given the landlord a forwarding address in writing, and a landlord is not required to return a security deposit until they receive a forwarding address in writing.

Conclusion

This application has been dismissed with leave to reapply after the landlord has been properly served with a forwarding address in writing and the 15 day waiting period has passed.

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 24, 2014

Residential Tenancy Branch