



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD

Introduction

This is the Tenant's application for return of the security deposit.

The parties gave affirmed testimony at the Hearing.

It was determined that the Tenant sent the Landlord the Notice of Hearing documents by registered mail, sent on October 6, 2014. It was also determined that the Landlord sent the Tenant copies of his documentary evidence by registered mail, sent April 12, 2014.

Preliminary Matters

The Tenant testified that she did not provide the Landlord with written notification of her forwarding address. She stated that she thought that by filing an Application for Dispute Resolution and serving it upon the Landlord, she had provided her forwarding address.

I explained to the Tenant that the Act requires that a landlord return a security deposit, or file an application against it, within 15 days of the date the tenancy ends or the date the tenant provides a forwarding address in writing, whichever date is the latter.

I find that the Tenant filed her Application for return of the security deposit prematurely because she had not yet provided her forwarding address in writing to the Landlord when she filed her Application. Therefore, I dismissed the Tenant's Application with leave to reapply.

The Tenant confirmed that the address on her Application for Dispute Resolution is her forwarding address. I advised both parties that, for the purposes of the provisions of Section 38 of the Act, I find that the Landlord received the Tenant's forwarding address on the date of the Hearing, May 6, 2015.

Conclusion

The Tenant's Application is dismissed **with leave to reapply**.

I find that the Landlord received the Tenant's forwarding address, for the purposes of Section 38 of the Act, on May 6, 2015.

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: May 26, 2015

Residential Tenancy Branch

