



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This is an application brought by the tenant(s) requesting a monetary order in the amount of \$1600.00 and recovery of the \$50.00 filing fee

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on December 10, 2014; however the respondent(s) did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent(s) have been properly served with notice of the hearing.

I therefore proceeded with the hearing in the absence of the respondents.

The applicant was affirmed.

Issue(s) to be Decided

The issue is whether or not the applicants have established a claim for return of double the \$800.00 security/pet deposit for a total of \$1600.00, and for recovery of the \$50.00 filing fee.

Decision in reasons

The tenant(s) have applied for the return of double their security/pet deposit; however the tenant(s) did not give the landlord(s) a forwarding address in writing, as required by the Residential Tenancy Act, prior to applying for arbitration.

The applicant testified that they sent a forwarding address to the landlord by e-mail however e-mail is not a method of service that is recognized under the Residential Tenancy Act, and therefore it's my finding that the landlords have not been properly served with a forwarding address in writing

Therefore at the time that the tenant(s) applied for dispute resolution, the landlord(s) were under no obligation to return the security/pet deposit and therefore this application is premature.

I therefore dismiss this claim, with leave to re-apply after the landlords have been properly served with a forwarding address in writing and the applicable waiting period has passed.

Conclusion

This application 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: July 13, 2015

Residential Tenancy Branch

