



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This is an application by the tenant filed under the Residential Tenancy Act (the “Act”) for a monetary order for return of the security deposit (the “Deposit”)

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Issues to be Decided

Is the tenant entitled to a monetary order for return of the Deposit?

Background and Evidence

The tenancy began on August 2014. Rent in the amount of \$750.00 was payable on the first of each month. A security deposit of \$375.00 was paid by the tenant.

The tenant testified that they vacated the premises on February 15, 2015. The tenant stated that they provided the landlord with a written notice of the forwarding address shortly after the tenancy ending by placing it in the landlord’s mailbox.

The landlord testified that they did not receive the tenant’s forwarding address in the mailbox.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Return of security deposit and pet damage deposit is defined in Part 2 of the Act.

Return of security deposit and pet damage deposit

38 (1) Except as provided in subsection (3) or (4) (a), **within 15 days after the later of**

(a) the date the tenancy ends, and

(b) the date the landlord **receives** the tenant's forwarding address in writing,

In this case the evidence of the landlord was that they did not receive the tenant's forwarding address in the mailbox. The tenant was unable to provide a specific date that their forwarding address was left in the landlord's mailbox. I find the tenant has failed to prove that they provided their forwarding address in writing, such as a registered mail receipt, prior to their application being filed.

Therefore, I have confirmed the tenant's address of service on the Application for Dispute Resolution is the tenants correct and current forwarding address pursuant to section 71(2)(b) of the Act.

The landlord was informed that as of today's date September 22, 2015, they have now been served with the forwarding address of the tenant and must deal with the Deposit pursuant to section 38 of the Act.

Therefore, I dismiss the Tenant's Application with leave to reapply.

Conclusion

The tenant's 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: September 23, 2015

Residential Tenancy Branch

