



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNSD

Introduction

This is an application brought by the tenant requesting a monetary order for return of double his \$750.00 security deposit for a total of \$1500.00

Some documentary evidence and written arguments have been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

Issue(s) to be Decided

The issue is whether or not the applicant has established monetary claim against the respondent, and if so in what amount.

Background and Evidence

The applicant testified that the landlord has failed to return his security deposit and therefore is requesting an order for return of double her deposit.

The landlord testified that she did not receive a forwarding address in writing from the tenant and therefore did not believe she had to return the deposit.

In response to the landlord's testimony the tenant testified that he did not serve the landlord with a forwarding address in writing until he applied for dispute resolution and the address on his application for dispute resolution is his forwarding address.

Analysis

The tenant has applied for the return of double his security deposit; however the tenant did not give the landlord a forwarding address in writing, as required by the Residential Tenancy Act, prior to applying for arbitration.

Therefore at the time that the tenant applied for dispute resolution, the landlord was under no obligation to return the security deposit and therefore this application is premature.

I therefore dismiss this claim with leave to re-apply.

At the hearing the tenant stated that the address on the application for dispute resolution is his present forwarding address; therefore the landlord is now considered to have received the forwarding address in writing as of today, March 21, 2016.

Conclusion

As stated above this application was premature and therefore it has been dismissed with leave to reapply; however I Order that the applicant/tenant bear the \$50.00 cost of the filing fee.

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: March 21, 2016

Residential Tenancy Branch