Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   MNSD, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the "Act") for Orders as follows:

1. An Order for the return of the security deposit - Section 38; and
2. An Order to recover the filing fee for this application - Section 72.

I accept the Tenant's evidence that the Landlord was served with the application for dispute resolution and notice of hearing by _registered mail_ in accordance with Section 89 of the Act. The Landlord did not attend the hearing. The Tenant was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Tenant entitled to return of the security deposit?

Background and Evidence

The tenancy started on July 26, 2015 and ended on October 26, 2015. Rent of $1,100.00 was payable monthly. At the outset of the tenancy the Landlord collected $550.00 as a security deposit and $550.00 as a pet deposit. The Tenant did not send the Landlord its forwarding address in writing prior to making the application. The Tenant claims $1,100.00.

Analysis

Section 38 of the Act provides that within 15 days after the date the tenancy ends or, the date the landlord receives the tenant's forwarding address in writing, whichever is later, the landlord must repay the security deposit or make an application for dispute resolution claiming against the security deposit. Where a landlord fails to comply with this section, the landlord must pay the tenant double the amount of the security deposit. As the Tenant did not provide its forwarding address in writing to the Landlord I find that the Tenant has made its application prematurely. I therefore dismiss the application with leave to reapply.

Conclusion

The 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: June 07, 2016

Residential Tenancy Branch