



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 by the tenant filed under the Residential Tenancy Act (the “Act”) for a monetary order for return of double the security deposit and the pet damage deposit (the “Deposits”) and the filing fee for the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on December 31, 2015, a Canada post tracking number was provided as evidence of service, the landlord did not appear.

Section 90 of the Act determines that a document served in this manner is deemed to have been served five days later. I find that the landlord has been duly served in accordance with the Act.

The tenant appeared, gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure. I refer only to the relevant facts and issues in this decision.

Issue to be Decided

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

Background and Evidence

The tenancy began on August, 1, 2015. Rent in the amount of \$900.00 was payable on the first of each month. A security deposit of \$450.00 and a pet damage deposit were paid by the tenant.

The tenant testified that they vacated the premises in September 2015. The tenant stated that they provided the landlord with a written notice of the forwarding address on October 5, 2015, by email. The tenant stated the landlord did not respond to the email.

Analysis

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

In this case, the tenant sent their forwarding address by email, there was no confirmation from the landlord that it was received. Under section 88 of the Act, all documents, other than those in section 89 of the Act, that are required to be given, such as the forwarding address, must be given or served in one of the methods permitted under the Act, email is not a permitted method under the Act.

Therefore, I am not satisfied the landlord has been properly served with the tenant's forwarding address as required by the Act.

Therefore, I dismiss the tenant's application with leave to reapply. This is not an extension of any statutory deadline.

As the tenant was not successful with their application, they are not entitled to recover the filing fee from the landlord.

Conclusion

The tenant's application for return of double the Deposits 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: August 03, 2016

Residential Tenancy Branch