



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, O

Introduction

This hearing was convened by way of conference call concerning an application made by the tenants seeking to cancel a notice to end the tenancy given by the landlords and for an order recovering the filing fee for the cost of this application.

Both tenants attended the hearing, one of whom gave affirmed testimony; however the line remained open while the phone system was monitored for 10 minutes prior to hearing any testimony and no one for the landlords attended.

The tenant testified under affirmation that the landlords were served by registered mail on August 23, 2016 with the Tenant's Application for Dispute Resolution, evidentiary material and notice of this hearing. The tenants have provided a copy of a Canada Post cash register receipt bearing that date and I am satisfied that the landlords have been served in accordance with the *Residential Tenancy Act*.

The tenant also testified that the tenants have moved out of the rental unit with the exception of a few items, and they want their security deposit back. The tenants have not provided the landlord with a forwarding address.

Since the tenancy is ending, I dismiss the tenants' application.

The *Residential Tenancy Act* states that a landlord has 15 days from the date the tenancy ends or the date the landlord receives a tenant's forwarding address in writing (whichever is later) to return the security deposit and pet damage deposit in full, unless the tenant agrees in writing that the landlord may keep all or a portion. If the landlord fails to return the deposit(s) or make an application for dispute resolution claiming against the deposits within that 15 day period, the landlord must repay the tenant double.

Conclusion

The tenants' application for an order cancelling a notice to end the tenancy and for recovery of the filing fee is hereby dismissed.

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: October 05, 2016

Residential Tenancy Branch