



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD FF

### Introduction

This hearing dealt with an application by the tenant for recovery of the security deposit. The tenant and the landlord attended the teleconference hearing.

At the outset of the hearing, each party confirmed that they had received the other party's evidence. Neither party raised any issues regarding service of the application or the evidence. Both parties were given full opportunity to give affirmed testimony and present their evidence. I have reviewed all testimony and other evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

### Issue(s) to be Decided

Is the tenant entitled to recovery of the security deposit?

### Background and Evidence

The tenancy began on December 1, 2015. AT the beginning of the tenancy the tenant paid the landlord a security deposit of \$3,000.00. The tenancy ended on May 31, 2016. The tenant did not provide the landlord with their written forwarding address. The landlord has not returned the security deposit or applied for dispute resolution.

The landlord did not dispute these facts.

### Analysis

Section 38 of the *Residential Tenancy Act* requires that 15 days after the later of the end of tenancy and the tenant providing the landlord with a written forwarding address, the landlord must repay the security deposit or make an application for dispute resolution. If the landlord fails to do so, then the tenant is entitled to recovery of double the amount of the security deposit.

In this case, the tenancy ended on May 31, 2016. However, and the tenant did not give the landlord their forwarding address in writing prior to making the application for dispute resolution. I therefore find that the tenant is entitled to recovery of the base amount of the security deposit only.

### Conclusion

I grant the tenant an order under section 67 for the balance due of \$3,000.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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 13, 2017

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Residential Tenancy Branch