



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNSD FF

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution (the "Application") seeking remedy under the *Residential Tenancy Act* (the "*Act*"). The tenant applied for the return of double his security deposit, for money owed or compensation for damage or loss under the *Act*, and to recover the cost of the filing fee.

The tenant and the landlord appeared at the teleconference hearing and gave affirmed testimony. During the hearing the parties presented their evidence. A summary of the evidence is provided below and includes only that which is relevant to the hearing.

Issue to be Decided

- Is the tenant entitled to any monetary compensation related to his security deposit under the *Act*?

Background and Evidence

During the hearing, the tenant confirmed that he did not submit a copy of his written forwarding address that he claims he served on the landlord. The landlord affirmed that he has not been served with a copy of the tenant's written forwarding address.

The tenant referred to a registered mail tracking number in evidence as proof that he served his written forwarding address on the landlord.

The tenant provided inconsistent testimony regarding the end of tenancy date during the hearing.

Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

Firstly, I am not satisfied that the tenant has provided sufficient evidence that he has ever served the landlord with his written forwarding address. Secondly, in reaching this decision, I have taken into account that the tenant's testimony was inconsistent and vague regarding the end of tenancy date even though this was the tenant's Application. In addition, and at the very least, I would expect to see a copy of the tenant's written forwarding address which the tenant failed to provide. And thirdly, I afford little weight to the tracking number referred to by the tenant as I find the tracking number does not prove what was served in and of itself.

As a result, I find that it is more likely than not that the tenant has not provided his written forwarding address to the landlord as required by section 38 of the *Act*. Therefore, I find the tenant's Application is premature and is **dismissed with leave to reapply**.

As the tenant's Application is premature, I do not grant the tenant the recovery of the filing fee.

Conclusion

The tenant's application is premature and is dismissed, with leave to reapply.

I note that this decision does not extend any applicable timelines under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: May 25, 2017

Residential Tenancy Branch