



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, FF

Introduction and Conclusion

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein the Tenant sought an Order that the Landlord comply with the *Residential Tenancy Act* (return his security deposit) and recovery of the filing fee.

The hearing was conducted by teleconference at 1:30 p.m. on April 12, 2018. Both parties called into the hearing.

At the outset of the hearing the Tenant confirmed that he only provided his forwarding address to the Landlord by text message.

Text messaging is not an acceptable means of delivering a forwarding address for the purposes of section 38 of the *Act*. As such, I find the Tenant's Application to be premature as, pursuant to sections 38(1) and 39, the Landlord has 15 days from the latter of the end of the tenancy or receipt of a forwarding address in writing to return the funds or make an Application for Dispute Resolution.

I therefore dismiss the Tenant's Application for Dispute Resolution with leave to reapply.

The Tenant confirmed his forwarding address as set out on his Application for Dispute Resolution (save and except that he lives on an "Avenue" and not a "Street" as indicated on the application). I have included his correct address on the unpublished cover page of this my Decision.

For the purposes of section 38(1) I find that the Landlord is in receipt of the Tenant's forwarding address as of the date of the hearing, April 12, 2018. The Landlord has 15

days from today's date in which to return the security deposit to the Tenant or make an Application for Dispute Resolution. I confirm I informed both parties of this during the hearing and they acknowledged their understanding of this.

The parties were also reminded to consider the doubling provisions in section 38(6) as well as the extinguishment provisions of sections 24 and 36 of the *Act*.

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: April 12, 2018

Residential Tenancy Branch