



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants for the return of double their security deposit.

Both parties appeared.

### Issue to be Decided

Are the tenants entitled to double their security deposit?

### Background and Evidence

The tenancy began on February 1, 2017. Current Rent in the amount of \$1,725.00 was payable on the first of each month. A security deposit of \$1,500.00 was paid by the tenants. During the tenancy co-tenants were added.

The tenants testified that they provided their forwarding address to the landlord's by email.

### Analysis

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

### **Return of security deposit and pet damage deposit**

- 38** (1) Except as provided in subsection (3) or (4) (a), within 15 days after the later of
- (a) the date the tenancy ends, and
  - (b) the date the landlord receives the tenant's forwarding address in writing,

the landlord must do one of the following:

- (c) repay, as provided in subsection (8), any security deposit or pet damage deposit to the tenant with interest calculated in accordance with the regulations;
- (d) make an application for dispute resolution claiming against the security deposit or pet damage deposit.

### **How to give or serve documents generally**

**88** All documents, other than those referred to in section 89 [*special rules for certain documents*], that are required or permitted under this Act to be given to or served on a person must be given or served in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by ordinary mail or registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by ordinary mail or registered mail to a forwarding address provided by the tenant;
- (e) by leaving a copy at the person's residence with an adult who apparently resides with the person;
- (f) by leaving a copy in a mailbox or mail slot for the address at which the person resides or, if the person is a landlord, for the address at which the person carries on business as a landlord;
- (g) by attaching a copy to a door or other conspicuous place at the address at which the person resides or, if the person is a landlord, at the address at which the person carries on business as a landlord;
- (h) by transmitting a copy to a fax number provided as an address for service by the person to be served;
- (i) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*];
- (j) by any other means of service prescribed in the regulations.

In this case, the tenants' provided their forwarding address by email. Email is not an approved method of service under section 88 of the Act.

Therefore, in the hearing the tenants' forwarding address was confirmed. I find for the purpose of the Act the landlords' have been sufficiently served with the tenants' forwarding address, pursuant to section 71 of the Act, on June 21, 2018.

The landlords have 15 day from the date of this hearing, June 21, 2018, to comply with section 38 of the Act. Therefore, I dismiss the tenants' application with leave to reapply.

### Conclusion

The tenants' forwarding address was confirmed in the hearing. The tenants' application 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: June 25, 2018

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Residential Tenancy Branch