



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes MNSD, FF

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- authorization to obtain a return of all or a portion of her security deposit pursuant to section 38;
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

The tenant attended the hearing via conference call and provided affirmed testimony. The landlord did not attend or submit any documentary evidence. The tenant claims that the landlord was served with the notice of hearing package and the submitted documentary evidence via Canada Post Registered Mail on March 7, 2018. The tenant provided a copy of an online search of the tracking number as confirmation of service that the package was signed for by the concierge at the listed rental unit.

At the outset, the tenant stated that the landlord was not provided with the tenant's forwarding address in writing for the return of the security deposit.

Section 38 of the Act requires the landlord to either return all of a tenant's security and/or pet damage deposit(s) or file for dispute resolution for authorization to retain the security and/or pet damage deposit(s) within 15 days of the end of a tenancy or a tenant's provision of a forwarding address in writing. In this case, the tenant provided affirmed testimony that the forwarding address in writing was not served to the landlord. As such, I find that the tenant's application is pre-mature and dismiss it with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: September 24, 2018

---

Residential Tenancy Branch