



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNDC*

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for a monetary order for the return of double the security deposit.

Both parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. As both parties were in attendance I confirmed service of documents. The tenant acknowledged receipt of evidence submitted by the landlord and stated that she had not filed any evidence of her own. I find that the tenant was served with evidentiary materials in accordance with sections 88 and 89 of the *Act*.

Issues to be decided

Is the tenant entitled to the return of double the security deposit? Did the tenant provide a forwarding address to the landlord?

Background and Evidence

The parties agreed that the tenancy started in August 2017. The rent was \$1,800.00 due on the first day of each month. Prior to moving in, the tenant paid a security deposit of \$900.00 and a pet deposit of \$200.00.

The landlord stated that on July 04, 2018 he served the tenant with a 10-day notice to end tenancy for non-payment of rent. The landlord explained that the tenant owed rent and utilities. The tenant stated that all rent was paid and that the landlord was not owed any money. In early September the tenants moved out of the house into their trailer which was set up in the landlord's yard and finally moved off the landlord's property at the end of October 2018.

The tenant agreed that she had not given the landlord a forwarding address as of the date of this hearing. The tenant made this application on October 14, 2018 while she was still residing on the landlord's property.

Attempts to mediate the issue between the two parties were unsuccessful. During the hearing the tenant provided her current address. I updated the electronic file and the landlord was reminded that as of the date of this hearing he has been provided with the tenant's forwarding address

Analysis

Section 38(1) of the Act provides that the landlord must return the security deposit or apply for dispute resolution within 15 days after the later of the end of the tenancy and the date the forwarding address is received in writing.

In this case, I find that the tenant failed to provide the landlord with her forwarding address in writing. Therefore, the landlord had no way of returning the deposit or filing an application to make a claim against the deposit, prior to the tenant's application for dispute resolution. Now that the landlord has received the tenant's forwarding address, the landlord has 15 days as of this date – February 08, 2019, to return the deposit to the tenant or make an application to retain the full deposit or a portion of the deposit.

Since the tenant failed to provide her forwarding address to the landlord, I dismiss her application for the return of the security deposit, with leave to reapply.

Conclusion

The tenant's 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: February 08, 2019

Residential Tenancy Branch