



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 the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- authorization to obtain a return of all or a portion of their security deposit pursuant to section 38.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to call witnesses, and to make submissions.

Background and Evidence

This tenancy began on July 15, 2018, and ended on October 8, 2018. Monthly rent was set at \$2,100.00. The landlord had collected a security deposit in the amount of \$1,100.00 at the beginning of the tenancy, and has not returned any portion of the deposit to the tenant.

The tenant testified that she had not provided the landlord with her forwarding address at any time prior to filing this application. The landlord advised that they only became aware of any issues when the tenant filed this application. The landlord testified that she did not receive the tenant's forwarding address until she received the Notice of Hearing package.

Analysis

Section 38 (1) of the *Act* states that within 15 days of the latter of receiving the tenant's forwarding address in writing, and the date the tenant moves out, the landlord must

either return the tenant's security deposit, or make an application for dispute resolution against that deposit.

As the tenant did not provide the landlord with her forwarding address in writing, and as both parties were present in the hearing, the tenant's forwarding address was confirmed during the hearing. I informed the landlord that she had 15 days from the date of the hearing, until February 27, 2018, to either return the security deposit to the tenant in full, obtain written consent to deduct a portion or keep the deposit, or make an Application to retain a portion or all of it.

Conclusion

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

The tenant's forwarding address was confirmed during the hearing, and the landlord was informed that she had 15 days from the date of the hearing, until February 27, 2019 to either return the security deposit to the tenant in full, obtain written consent to deduct a portion or keep the deposit, or make an Application to retain a portion or all of it.

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 12, 2019

Residential Tenancy Branch