



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      FFT, MNSD

### Introduction

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

- authorization to obtain a return of all or a portion of their security deposit pursuant to section 38; and
- authorization to recover the filing fee for its application from the landlord, pursuant to section 72.

Only the tenant appeared at the hearing. The tenant provided affirmed testimony and was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

The tenant testified and supplied documentary evidence that he served the landlord with the Notice of Hearing and Application for Dispute Resolution by registered mail, sent on January 9, 2019. The tenant had provided tracking information from Canada Post indicating the mail had been signed for on July 14, 2019. I find the landlord has been duly served in accordance with the Act. I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure; however, I refer to only the relevant facts and issues in this decision.

### Issue to be Decided

Is the tenant entitled to the return of double his security deposit?

Is the tenant entitled to recover the filing fee for this application from the landlord?

### Background, Evidence

The tenant's testimony is as follows. The tenancy began on June 27, 2018 and ended on November 30, 2018. The tenant testified that the tenancy was to be for one year but because he had safety concerns about the property, he moved early with the landlords'

agreement. The tenant was obligated to pay \$925.00 per month in rent in advance and at the outset of the tenancy the tenants paid a \$462.50 security deposit and a \$80.00 fob deposit, both of which have not been returned. The tenant testified that he emailed his forwarding address to the landlord. The tenant is seeking the return of his deposits along with the \$100.00 filing fee.

### Analysis

Section 88 of the Act addresses how documents can be served as follows:

#### **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.

The tenant provided their forwarding address by way of email. The tenant did not provide their forwarding address to the landlord in accordance with Section 88 of the Act. I order the tenant to provide a written forwarding address to the landlord in

accordance with section 88 of the *Act*. The landlord then has 15 days after receiving that forwarding address from the tenants, to either return the security deposit in full or to file an application for dispute resolution. If the landlord does not complete either of the above actions within the above deadline, the tenants may apply for the return of their security deposit in accordance with section 38 of the *Act*. Accordingly, the tenants' application for the return of double their security deposit is dismissed with leave to reapply.

### Conclusion

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: April 30, 2019

---

Residential Tenancy Branch