



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FFT

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking a monetary order for return of the security deposit or pet damage deposit and to recover the filing fee from the landlord for the cost of the application.

The tenant and the landlord attended the hearing, during which the parties agreed that the tenant has not provided the landlord with a forwarding address in writing, other than in this Application for Dispute Resolution which was served in August, 2019.

I advised the parties of a policy which suggests that the legislation is intended to ensure a forwarding address is given in writing prior to making an Application for Dispute Resolution. If a tenant only provides a forwarding address in writing in the Application for Dispute Resolution, the forwarding address, for the purposes of Section 38 of the *Residential Tenancy Act* is deemed to have been received by the landlord on the day of the hearing, which is today, and I so find.

The landlord is deemed to have received the tenant's forwarding address in writing on November 21, 2019, and the tenant's application is dismissed with leave to reapply.

I have made no other findings of fact or law with respect to the merits of this matter.

Conclusion

For the reasons set out above, I hereby order that the landlord is deemed to have received the tenant's forwarding address in writing on November 21, 2019.

The tenant's application is hereby 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: November 21, 2019

Residential Tenancy Branch