



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 as a result of the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act). The tenant applied for the return of their \$450.00 security deposit and \$450.00 pet damage deposit, plus the filing fee.

The tenant and the landlord appeared at the teleconference hearing and gave affirmed testimony. During the hearing the parties presented evidence. A summary of the evidence is provided below and includes only that which is relevant to the hearing. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Neither party raised any concerns regarding the service of documentary evidence. I find the parties were sufficiently served in accordance with the Act as a result.

Preliminary and Procedural Matter

The parties confirmed their email addresses at the outset of the hearing. The parties also confirmed their understanding that the decision would be emailed to both parties.

Issues to be Decided

- Is this application premature?
- If yes, should this application be dismissed with leave to reapply?

Background and Evidence

The parties agreed that the tenant paid a \$450.00 security deposit and \$450.00 pet damage deposit at the start of the tenancy, which the landlord continues to hold. The

tenant confirmed that they have not provided their written forwarding address to the landlord other than sending a text message submitted in evidence. The parties were advised that the application itself does not constitute a written forwarding address under the Act.

Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

I find that the tenant's application is premature, due to the fact that the tenant confirmed that they have not provided their written forwarding address to the landlord other than by text, and there is no service provision for text under the Act and I find the text submitted in evidence does not satisfy the requirement under section 38 of the Act as a written forwarding address. Therefore, in accordance with Residential Tenancy Branch (RTB) Practice Directive 2015-01, I find that the landlord has been served with the tenant's written forwarding address of the date of this hearing, February 6, 2020, which has been included on the cover page of this decision for ease of reference.

The landlord must deal with the tenant's security deposit within 15 days of this date, February 6, 2020, in accordance with section 38 of the Act.

As the tenant's application is premature, I do not grant the tenant the recovery of the filing fee.

The tenant has liberty to reapply for double the return of both deposits should the landlord fail to deal with the tenant's security deposit and pet damage deposit in accordance with the Act.

Conclusion

The tenant's application is premature and is therefore dismissed, with leave to reapply.

I find that the landlord has been served with the tenant's written forwarding address of the date of this hearing, February 6, 2020, which has been included on the cover page of this decision for ease of reference. The landlord must deal with the tenant's security deposit and pet damage deposit within 15 days of February 6, 2020 in accordance with section 38 of the Act.

The filing fee is not granted as noted above.

The tenant has liberty to reapply for double the return of both deposits should the landlord fail to deal with the combined deposits in accordance with the Act.

This decision will be emailed to the parties as noted above.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 6, 2020

Residential Tenancy Branch