



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution filed on October 18, 2019 wherein the Tenant requested return of her \$225.00 security deposit. The hearing of the Tenant's Application was scheduled for teleconference at 1:30 p.m. on March 13, 2020. Both parties called into the hearing.

The Tenant provided copies of text communication wherein the parties discuss the security deposit. Neither party submitted any further evidence. At the outset of the hearing the Tenant confirmed that she did not provide her forwarding address to the Landlord in writing as required by the *Act*; rather, she stated that she provided the Landlord with an email address.

A Tenant's right to return of their deposit is not triggered until the Tenant provides their forwarding address to the Landlord in writing. This is because security deposits are trust funds and must be dealt with in accordance with the *Residential Tenancy Act*. Once the Landlord has the Tenant's forwarding address, the Landlord is then able to return the deposit to the Tenant, or make an Application for an Order authorizing the Landlord to retain the deposit *and* serve the Tenant at the address provided by the Tenant; section 38(1) of the *Act* provides that a Landlord has 15 days in which to do either. Section 39 further provides that if a Tenant doesn't provide a written forwarding address within one year of the end of the tenancy, the Landlord may retain those funds.

The Tenant provided her forwarding address to the Landlord during the hearing before me. I have included that address on the unpublished cover page of this my Decision. I find the Landlord has received the Tenant's forwarding address pursuant to section 38(1) of the *Act*. As such, the Landlord has 15 days from the date of the hearing to return the deposit to the Tenant or file an Application for Dispute Resolution. Should the

Landlord fail to do either, the Tenant may apply for return of double the deposit as provided for in section 38(6) of the *Act*.

Conclusion

The Tenant's Application for return of her security deposit is premature as she failed to provide a forwarding address to the Landlord. The Tenant's Application is therefore dismissed with leave to reapply.

Pursuant to section 38(1) of the *Act* the Landlord received the Tenant's forwarding address (during the hearing) and therefore has 15 days from the date of the hearing to return those funds or make an Application for Dispute Resolution.

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: March 13, 2020

Residential Tenancy Branch