



# Dispute Resolution Services

Page: 1

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 tenants applied for the return of their security deposit and to recover the cost of the filing fee.

The tenants attended the teleconference hearing and gave affirmed testimony. During the hearing the tenants presented their evidence. A summary of the evidence is provided below and includes only that which is relevant to the hearing.

### Preliminary and Procedural Matter

Tenant AV (tenant) testified that they served their written forwarding address dated November 30, 2019 by posting to the fridge of the rental unit and later serving the application on the landlord. The tenant testified that they received an e-transfer from the landlord for \$176.86 but not for the full security deposit amount of \$500.00.

### Issues to be Decided

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

### Background and Evidence

As the tenant confirmed that they only served their written forwarding address by posting to the fridge of the rental unit and by including a copy with their application, the tenants were advised that I have considered this application to be premature, which I will describe further below.

### 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 Act does not authorize service by posting to the fridge of the rental unit. Furthermore, the application itself does not constitute a written forwarding address. As a result, and in accordance with Residential Tenancy Branch (RTB) Practice Directive 2015-01, as the landlord did not attend the hearing, I order that the tenant must serve their written forwarding address by registered mail on the landlord.

The landlord must deal with the tenants' security deposit in accordance with section 38 of the Act. I grant the tenants leave to reapply for their security deposit should the landlord fail to deal with the tenants' security deposit in accordance with section 38 of the Act.

I do not grant the filing fee as the application was premature.

### Conclusion

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

The tenants have been ordered to serve their written forwarding address on the landlord by registered mail.

The landlord must deal with the tenants' security deposit as required by section 38 of the Act.

The tenants have been granted leave to reapply for their security deposit should the landlord fail to deal with the tenant's security deposit in accordance with section 38 of the Act.

The filing fee is not granted as noted above.

This decision will be emailed to both parties at the email addresses provided by the tenants in their application.

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: May 25, 2020

---

Residential Tenancy Branch