



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, FFT

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on April 30, 2020 (the "Application"). The Tenants applied for an order that the Landlord comply with the regulations, tenancy agreement or the *Act*, as well as for the return of the filing fee, pursuant to the *Residential Tenancy Act* (the "*Act*").

The Tenants and the Landlords attending the hearing at the appointed date and time.

Preliminary Matters

At the start of the hearing, the parties agreed that the Tenants' moved out of the rental unit on May 22, 2020 before conducting their move out inspection on May 30, 2020. As the Tenancy is over, I find that the Tenants' Application is now moot. As such, I dismiss the Tenants' Application in its entirety without leave to reapply.

At the end of the hearing, the Tenants' had questions surrounding the return of their deposits. It was suggested during the hearing that each party refer to Section 38 of the *Act* which states;

Section 38(1) of the *Act* requires a landlord to repay deposits or make a claim against them by filing an application for dispute resolution within 15 days after receiving a tenant's forwarding address in writing or the end of the tenancy, whichever is later. When a landlord fails to comply with section 38(1) of the *Act*, and does not have authority under sections 38(3) or 38(4) of the *Act* to withhold any deposits, section 38(6) stipulates that a tenant is entitled to receive double the amount of the security deposit.

Conclusion

The parties agreed that the tenancy is now over. As such, the Tenants' Application is now moot and therefore dismissed without 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: June 08, 2020

Residential Tenancy Branch