



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDB-DR

Introduction

This matter proceeded by way of an *ex parte* Direct Request Proceeding, pursuant to section 38.1 of the *Residential Tenancy Act* (the *Act*), and dealt with an Application for Dispute Resolution by the tenant to obtain monetary compensation for the return of the security deposit and the pet damage deposit (the deposits).

This decision is written based on the Application for Dispute Resolution, evidence, and submissions provided by the tenant on August 17, 2021.

The tenant submitted a signed Proof of Service Tenant's Notice of Direct Request Proceeding which declares that on September 10, 2021, the tenant sent the landlord the Notice of Dispute Resolution Proceeding - Direct Request by registered mail. The tenant provided a copy of the Canada Post Customer Receipt containing the tracking number to confirm this mailing.

Based on the written submissions of the tenant and in accordance with sections 89 and 90 of the *Act*, I find that the Direct Request Proceeding documents were served on September 10, 2021 and are deemed to have been received by the landlord on September 15, 2021, the fifth day after their registered mailing.

Issue(s) to be Decided

Is the tenant entitled to monetary compensation for the return of a security deposit and a pet damage deposit pursuant to sections 38 and 67 of the *Act*?

Background and Evidence

I have reviewed all written submissions and evidence before me; however, only the evidence and submissions relevant to the issues and findings in this matter are described in this decision.

The tenant submitted the following relevant evidentiary material:

- A copy of the first page of a residential tenancy agreement, indicating a monthly rent of \$1,150.00, a security deposit of \$575.00, and a pet damage deposit of \$575.00, for a tenancy commencing on October 1, 2020

- A copy of the last page of a Condition Inspection Report which was signed by the landlord and the tenant on July 17, 2021, indicating the tenant provided a forwarding address at the time of the move-out inspection
- A copy of a Tenant's Direct Request Worksheet showing the amount of the deposits paid by the tenant, a partial reimbursement of \$200.00, and indicating the tenancy ended on July 17, 2021

Analysis

In an *ex parte* Direct Request Proceeding, the onus is on the tenant to ensure that all submitted evidentiary material is in accordance with the prescribed criteria and that such material does not lend itself to ambiguity or give rise to issues that may need clarification beyond the purview of a Direct Request Proceeding. If the tenant cannot establish that all documents meet the standard necessary to proceed via the Direct Request Proceeding, the application may be found to have deficiencies that necessitate a participatory hearing, or, in the alternative, the application may be dismissed.

I find that the forwarding address provided by the tenant on the Condition Inspection Report is incomplete as it does not include the city or the postal code of the forwarding address.

For this reason, the tenant's application for a Monetary Order for the return of the deposits based on the forwarding address of July 17, 2021, is dismissed without leave to reapply.

The tenant must reissue the forwarding address and provide the full details to the landlord if the tenant wants to apply through the Direct Request process.

Conclusion

I dismiss the tenant's application for a Monetary Order for the return of the security deposit and the pet damage deposit based on the forwarding address provided on July 17, 2021 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: September 24, 2021

Residential Tenancy Branch