



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDCT, FFT

### Introduction

This hearing was convened in response to an application by the Tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for compensation - Section 67; and
2. An Order to recover the filing fee for this application - Section 72.

The Tenants did not attend the hearing that lasted for 16 minutes. Legal Counsel for the Tenants appeared and was given opportunity to be heard to present evidence and to make submissions on behalf of the Tenants. The Landlord appeared and was given full opportunity under oath to be heard, to present evidence and to make submissions.

### Facts and Analysis

Legal Counsel submits that the compensation claim is actually for the return of double the deposit of \$1,925.00 arising from a tenancy under the jurisdiction of the Act. Legal Counsel submits that a forwarding address in the form of an email address was provided to the Landlord. Legal Counsel asks for an adjournment in order for the Tenants to attend the hearing. The Landlord does not make any submissions in relation to the clarification of the Tenants’ claim for return of the security deposit states that no forwarding address has been provided by the Tenants.

Section 38 of the Act provides that within 15 days after the later of the date the tenancy ends, and the date the landlord receives the tenant’s forwarding address in writing, the

landlord must repay the security deposit or make an application for dispute resolution claiming against the security deposit. Where a landlord fails to comply with this section, the landlord must pay the tenant double the amount of the security deposit. Although the Tenant's Legal Counsel sought an adjournment, given the submissions on behalf of the Tenants that indicate that they only provided an email address as a forwarding address and as a forwarding address is not an email address, I find that the Tenants have not provided a forwarding address. As the application was made without the provision of a forwarding address in advance of the application and as an adjournment will not remedy this deficiency, I decline the adjournment and dismiss the Tenants' application with leave to reapply should the Tenant provide a forwarding address to the Landlord.

#### Conclusion

The application is dismissed with 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 Act.

Dated: January 27, 2022

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Residential Tenancy Branch