



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants filed under the *Residential Tenancy Act* (the “Act”) for the return of their security deposit.

Both parties appeared.

Preliminary and Procedural matters

Return of security deposit and pet damage deposit

38 (1) Except as provided in subsection (3) or (4) (a), within 15 days after the later of

- (a) the date the tenancy ends, and
- (b) the date the landlord receives the tenant's forwarding address in writing,

The tenant stated they provided the landlord with their forwarding address verbally, by text message and by email on October 31, 2021. This was denied received by the landlord.

As these methods are not permitted under the Act, I find the tenants did not provide the landlord their forward address in a method under section 88 of the Act. Therefore, I am not satisfied that landlord was served.

However, at the today's hearing I confirmed the tenants' forwarding address, which I have noted on the covering page of this decision. I find the landlord has now been sufficiently served with the tenants' forwarding address, which the landlord wrote down at the hearing.

The landlord must now comply with the provisions of section 38(1) of the Act, by either doing one of the following within 15 days after today's date October 18, 2022:

- (c) repay, as provided in subsection (8), any security deposit or pet damage deposit to the tenant with interest calculated in accordance with the regulations;
- (d) make an application for dispute resolution claiming against the security deposit or pet damage deposit.

It should be noted that at a previous hearing the landlord was granted a monetary order for unpaid rent in the amount of \$630.00 that amount remained unpaid by the end of the tenancy. Under section 38(3) of the Act the landlord has the authority to keep this amount from the deposit. I have noted the file number on the covering page of this decision.

Based on the above, I dismiss the tenants' application with leave to reapply, if the landlord fails to comply with section 38 of the Act.

Conclusion

I dismiss the tenants' application with leave to reapply if the landlord fails to comply with section 38 of the Act.

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: October 18, 2022

Residential Tenancy Branch