



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNSDB-DR, FFT

Introduction

Under section 58 of the *Residential Tenancy Act* (the “Act”), this hearing dealt with the tenant’s November 22, 2022, application for the return of their security and pet deposits.

Issue(s) to be Decided

1. Is the tenant entitled to the return of their security and pet deposits?
2. Is the tenant entitled to the filing fee?

Facts and Analysis

The landlord said they did not receive notice of today’s hearing from the tenant. The tenant was not able to confirm that they had served it.

The landlord attended the hearing because they received an email from the Residential Tenancy Branch reminding them to upload evidence prior to the hearing. Then the landlord phoned the Branch and was told how to attend the hearing.

The tenant admits that they have not yet served their forwarding mailing address to the landlord in writing as required by section 38 of the Act. Therefore, the tenant’s application for the return of their deposits was filed prematurely.

I dismiss the tenant’s application because they did not serve their forwarding address or the notice of today’s hearing in accordance with the Act.

As the tenant was not successful in their application, they are not entitled to recover their filing fee.

Conclusion

I dismiss the tenant's application for the return of their deposits with leave to reapply.

I dismiss the tenant's application to recover the filing fee 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: May 19, 2023

Residential Tenancy Branch