



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an application by the tenant for an order for the return of his security deposit. Both parties participated in the conference call hearing.

Issue to be Decided

Is the tenant entitled to a monetary order as claimed?

Background and Evidence

The parties agreed that the tenancy began in June 2009 at which time a \$375.00 security deposit was paid. The parties further agreed that the tenant vacated the rental unit on or about September 16. The landlord testified that the tenant's roommate stayed in the rental unit until mid-October. The tenant claimed he gave his forwarding address to the landlord in writing in January 2010. The landlord denied having received the address.

Analysis

In order to trigger the landlord's responsibility to deal with the security deposit the tenant must have both moved out of the rental unit and provided his forwarding address in writing. The landlord denied having received the tenant's forwarding address prior to having been served with the application for dispute resolution and I find that the tenant has not proven that his address was given to the landlord earlier than that date. The tenant does not have the right to apply for the return of his deposit until 15 days after

the landlord has received the forwarding address and accordingly I find that the application is premature. I dismiss the application with leave to reapply.

The landlord is hereby put on notice that he is deemed to have received the tenant's forwarding address in writing on September 7, which is 5 days after the date this decision is mailed and the date on which the landlord is deemed to have received the decision in the mail. The landlord will have 15 days after September 7, until September 22 to either return the security deposit in full or make an application to retain the deposit.

The parties are free to negotiate a resolution to avoid having to make further claims.

Conclusion

The application is dismissed with leave to reapply.

Dated: September 02, 2010

Dispute Resolution Officer