



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, LRE, O, FF

### Introduction

The tenant applies to recover a \$415.00 security deposit. She also seeks an order restricting the landlord's right of entry, though she has since vacated the premises.

By way of amendment contained in her documentary evidence dated July 17, 2015, she seeks to recover all her rent back.

The address given by the tenant in her July 16, 2015 application is the rental unit address. She vacated the premises on July 31, 2015. She has not provided the landlord with a forwarding address in writing.

Under s.38 of the *Residential Tenancy Act* (the "Act") a landlord must either repay deposit money or make a claim against it within 15 days after the end of the tenancy and after receiving the tenant's forwarding address in writing.

Until the tenant provides the landlord with a forwarding address in writing, the landlord is not legally obliged to deal with the deposit money.

The tenant's claim for return of the deposit is contingent on her having provided that address in writing and so the claim is premature.

I dismiss the tenant's claim for return of the deposit, with leave to re-apply.

As her amended claim for return of rent is tied to her deposit claim, and as the landlord represented that he intended to make his own claim, I dismiss the amended portion of the tenant's claim as well, with leave to re-apply, so that all matters can be heard only once and heard together.

I make no determination about recovery of the tenant's filing fee for this application and leave that portion of the claim to the discretion of arbitrator adjudicating any future hearing between the parties.

This decision was rendered orally at hearing 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 17, 2015

---

Residential Tenancy Branch

