



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSDS-DR

### Introduction

This matter proceeded by way of an *ex parte* Direct Request Proceeding, pursuant to section 38.1 of the *Residential Tenancy Act* (the *Act*), and dealt with an Application for Dispute Resolution by the tenant to obtain monetary compensation for the return of the security deposit (the deposits).

This decision is written based on the Application for Dispute Resolution, evidence, and submissions provided by the tenant on June 21, 2022.

The tenant submitted a signed Proof of Service Tenant's Notice of Direct Request Proceeding which declares that on July 7, 2022, the tenant sent the landlord the Notice of Dispute Resolution Proceeding - Direct Request by registered mail. The tenant provided a copy of the Canada Post receipt containing the tracking number to confirm this mailing.

Based on the written submissions of the tenant and in accordance with sections 89 and 90 of the *Act*, I find that the Direct Request Proceeding documents were served on July 7, 2022 and are deemed to have been received by the landlord on July 12, 2022, the fifth day after their registered mailing.

### Issue(s) to be Decided

Is the tenant entitled to monetary compensation for the return of a security deposit pursuant to sections 38 and 67 of the *Act*?

### Background and Evidence

I have reviewed all written submissions and evidence before me; however, only the evidence and submissions relevant to the issues and findings in this matter are described in this decision.

The tenant submitted the following relevant evidentiary material:

- A copy of a residential tenancy agreement which was signed by the landlord and the tenant on February 24, 2019, indicating a monthly rent of \$1,100.00 and a security deposit of \$550.00, for a tenancy commencing in March 2019
- A copy of a letter from the tenant to the landlord dated August 26, 2020, providing the forwarding address and requesting the return of the deposit
- A copy of a Proof of Service Tenant Forwarding Address for the Return of Security and/or Pet Damage Deposit form which indicates that the forwarding address was sent to the landlord by registered mail at 12:35 pm on September 7, 2020
- A copy of a Canada Post Customer Receipt containing the tracking number to confirm the forwarding address was in fact sent to the landlord on September 4, 2020
- A copy of a Tenant's Direct Request Worksheet showing the amount of the deposit paid by the tenant and indicating a tenancy for unit 355 ended on June 30, 2020

### Analysis

Section 60(1) of the *Act* states that an application for dispute resolution must be made within 2 years of the date that the tenancy ends.

The tenant has indicated in their letter dated August 26, 2020, that they transferred from unit 356 to unit 355 on December 1, 2019. The tenant also states that the deposit from unit 356 was carried over to the tenancy agreement for unit 355.

I find that this application for dispute was made in relation to unit 356. I further find that the tenancy for unit 356 ended on December 1, 2019, the date the tenant moved out of the original unit and into a new different unit.

I find the tenant filed their Application for Dispute Resolution by Direct Request on June 21, 2022, over two years after the tenancy ended.

For this reason, and in accordance with section 60(1) of the *Act*, I find the tenant is no longer entitled to bring forward any claims in relation to the tenancy at unit 356.

Therefore, the tenant's application for a Monetary Order for the return of the security deposit paid for unit 356 is dismissed without leave to reapply.

The tenant states that they have a separate dispute file relating to unit 355. This decision only relates to unit 356 and I make no findings on the matters related to unit 355.

Conclusion

I dismiss the tenant's application for a Monetary Order for the return of the security deposit paid for unit 356 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: July 26, 2022

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Residential Tenancy Branch