

Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

MNDC, MNSD, FF

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

I reviewed the evidence on the case file prior to the Hearing. The Landlord’s agent gave affirmed evidence and this matter proceeded on its merits.

Issue(s) to be Decided

This is the Landlord’s application for a Monetary Order for damages under the Act, to keep the security deposit and accrued interest, and to recover the filing fee from the Tenant for the cost of this application.

Background and Evidence

Service

The Landlord’s agent testified that her husband mailed a copy of the notice of hearing documents to the Tenant, by registered mail to the Tenant’s new address. The Landlord’s agent did not recall what day the documents were mailed. The Landlord’s agent’s husband was not available for questioning. There was no evidence submitted to the file regarding service (i.e. copy of Canada Post receipt, tracking number, tracking number search).

Analysis

The Landlord did not prove service of the Application for Dispute Resolution and Notice of hearing documents on the Tenant. Therefore this application is dismissed with leave to re-apply.

Conclusion

The Landlord's application is dismissed with leave to re-apply.

May 4, 2009
