

## **DECISION**

Dispute Codes      MNDC MNSD

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to obtain a Monetary Order for the return of her security deposit and for money owed or compensation for damage or loss under the *Act*.

The Tenant appeared, gave affirmed testimony, was provided the opportunity to present her evidence orally, in writing, and in documentary form.

### Issues(s) to be Decided

Is the Tenant entitled to a Monetary Order under Sections 38 and 67 of the *Residential Tenancy Act*?

### Background and Evidence

The Tenant testified that she did not serve the Landlord with Notice of Dispute Resolution.

### Analysis

The onus is on the Applicant Tenant to prove service of the notice of dispute resolution hearing documents to the Respondent Landlord. Based on the foregoing and the absence of the Landlord, I find that the Tenant has failed to prove that service was effected according to section 89 (1) of the *Residential Tenancy Act*. To find in favour of an application for a monetary claim, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. As I have no proof that the service of documents has been effected in accordance with the *Act*, I dismiss the Tenant's monetary claim.

Conclusion

I HEREBY DISMISS the Tenant's application for a Monetary Order with 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 02, 2009.

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Dispute Resolution Officer