

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to obtain a Monetary Order for the return of the security deposit.

Issues(s) to be Decided

Is the Tenant entitled to a Monetary Order for the return of his security deposit under section 67 of the *Residential Tenancy Act*?

Background and Evidence

The Tenant appeared and advised that he was calling into the hearing from Korea.

The Tenant stated that he did not serve the Landlord with the Notice of Dispute Resolution package and advised that the Landlord is nowhere to be found.

Analysis

The testimony confirms that the Tenant did not serve the Landlord with the Notice of Dispute Resolution package therefore I find that service of the Notice of Dispute Resolution was not effected in accordance with Section 89 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 found the service of documents not to

have been effected in accordance with the *Act*, I dismiss the Tenant's claim, with leave to reapply.

I also note that the Tenant did not submit documentation as evidence to prove that a security deposit was paid and when.

Conclusion

I HEREBY DISMISS the Tenant's claim, 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: March 11, 2010.

Dispute Resolution Officer