

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution for a monetary order.

The hearing was conducted via teleconference and was attended by the tenant and her interpreter.

Issues(s) to be Decided

The issues to be decided are whether the tenant is entitled; to a monetary order for double the amount of the security deposit and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to sections 38, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

At the outset of the hearing the tenant testified that she served the landlord with the notice of this hearing via mail. The tenant provided a tracking number for Canada Post, however, confirmed that she did not send the notice via registered mail.

Analysis

Section 89 of the *Act* requires that an application for dispute resolution, when required to be given to one party by another, must be given in one of the following ways:

1. By leaving a copy with the person;
2. If the person is a landlord, by leaving a copy with an agent of the landlord;
3. By sending a copy by *registered* mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord.

As a result, I find the landlord was not adequately served notice of this hearing.

Conclusion

Based on my findings above, I dismiss the tenant's application, in its entirety, 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: April 16, 2010.

Dispute Resolution Officer