

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with the tenant's application for return of double the security deposit. The landlord did not appear at the hearing. The tenant provided evidence that she mailed hearing documents to the landlord by registered mail. A search of the tracking number showed that Canada Post could not deliver the mail to the landlord as "recipient not located at address provided." The tenant explained that the rental unit was a basement suite and the landlord lived upstairs but that the house had been rebuilt after the tenancy ended. The tenant testified that she vacated the rental unit September 15, 2009.

Analysis and Findings

Section 89(1) of the Act provides for ways an applicant must serve the respondent with respect to a monetary claim. Section 89(1) provides for the following service methods:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) 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;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

Having heard the tenant attempted to serve the landlord more than three months after her tenancy ended and that the residential property was subsequently rebuilt I was not

satisfied that the landlord was residing at the address used for service at the time the tenant mailed the hearing documents. Therefore, I found inadequate evidence of service of hearing documents upon the landlord and I dismissed the tenant's application with leave to reapply. The tenant retains the right to make another Application for Dispute Resolution up to two years after the tenancy ended and properly serve the hearing documents upon the landlord.

Conclusion

The tenant's application has been dismissed 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: May 19, 2010.

Dispute Resolution Officer