

DECISION

Dispute Codes MNSD, MNDC

Introduction

This hearing dealt with an application by the tenant for a monetary order for the return of rent and the security deposit.

The tenant stated that she served the landlord with the notice of hearing by posting it on his front door. However, the tenant did not have any other details of service e.g. the date, time and address to which she served the notice. The landlord did not attend the hearing.

Issue to be Decided

Was the landlord served with the notice of hearing? If the landlord was served with the notice of hearing pursuant to Section 88 of the *Residential Tenancy Act*, then the following issues need to be addressed.

Did the tenant provide the landlord with a forwarding address in writing? Is the tenant entitled to the return of rent for March 2010 and the security deposit?

Analysis

Section 88 of the *Residential Tenancy Act* addresses how to give or serve documents. The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. The landlord is entitled to have an opportunity to be heard at the hearing. Based on the testimony of the tenant, I am not satisfied that the notice of hearing was served in accordance with section 88 of the *Act*.

In addition the tenant did not file any evidence other than a hand written note dated February 28, 2010 stating that she was ending the tenancy effective February 29, 2010. Since 2010 was not a leap year, this note lacks credibility.

The tenant requested more time to provide adequate evidence to support her claim. For the above reasons, I am dismissing the tenant's application with leave to reapply.

Conclusion

The tenant's application is 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: July 23, 2010.

Dispute Resolution Officer