



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, FF

DECISION AND REASONS

This hearing dealt with the Tenant's Application for Dispute Resolution, seeking a return of the security deposit at the end of the tenancy.

The Tenant and his interpreter appeared and gave affirmed testimony. I allowed limited testimony with the condition that I would dismiss the Application if there was no evidence of service of the dispute resolution hearing.

The Landlord did not submit a signed Proof of Service of the Notice of dispute resolution proceeding, could not provide a valid tracking number and could not provide a specific date of the alleged service. Additionally there was testimony that the Service of the Notice was done on the 4th day following the application date. The *Act* states that service of a copy of the application must be made to the other party within 3 days of making it.

The Act and principles of natural justice require that the Landlord/Respondent be informed of the nature of the claim and the monetary amount sought against him. This is one of the many purposes of the Application for Dispute Resolution and the Notice of Hearing. Without being served, the Landlord/Respondent would easily have any Decision or Order made against him overturned upon Review.

Therefore, on a balance of probabilities, I find the Landlord has not been served with the Notice of Hearing and Application for Dispute Resolution. I **dismiss** the Tenant's Application 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: October 19, 2010.

Dispute Resolution Officer