



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

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

The hearing was conducted via teleconference and was attended by the tenant only. The landlord did not attend.

At the outset of the hearing, the tenant confirmed that she served the landlord with the notice of this hearing via registered mail using the address provided by the landlord. However, she noted that the city in the address she used was the neighbouring city of the landlord's actual address.

Section 89 of the *Residential Tenancy Act (Act)* requires a tenant, when filing an Application for Dispute Resolution against a landlord, to serve the landlord by leaving a copy with the landlord; by leaving a copy with the agent of the landlord; or by sending a copy by registered mail to the address at which they reside or at which they carry on business as a landlord.

As the tenant failed to serve the landlord with notice of this hearing at an address where the landlord resides or carries on business as a landlord, I find the tenant has failed to serve the landlord sufficiently with notice of this hearing.

Issue(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; for return of a key fee; 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 *Act*.

Conclusion

As I have found the landlord has not be sufficiently served with notice of this hearing, 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: January 28, 2011.

Residential Tenancy Branch