

DECISION

Dispute Codes MNSD, FF

This is an application by the Tenant to seek a monetary order for the return of all or part of the pet damage deposit or security deposit and the recovery of the filing fee. The Tenant attended the hearing by conference call. The Landlord did not attend.

The Tenant on direct evidence in support of the registered mail receipt has stated that the Landlord no longer resides at the address provided on the application. The Tenant has stated that the hearing documents were sent by registered mail to the old address on September 30, 2010 and that the Landlord had vacated the residence. The Landlord has not picked up the hearing package and the Tenant is not aware of the Landlord's new address.

I find that the Landlord was not properly served with the notice of a hearing of the application for dispute resolution. I dismiss the Tenant's application with leave to reapply. The Tenant may reapply when he has a valid mailing address.

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: January 24, 2011.

Residential Tenancy Branch