



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This matter dealt with an application by the Tenant for the return of a security deposit plus compensation equal to the amount of the deposit due to the Landlord's alleged failure to return it as required by the Act. The Tenant also applied to recover the filing fee for this proceeding.

The Tenant said he served the Landlord with his Application and Notice of Hearing (the "hearing package") by registered mail in March 2011. The Landlord did not attend the hearing.

The Tenant did not provide proof of service of his hearing package or any documentary (or any other kind of corroborating) evidence in support of his application. Consequently, at the conclusion of the hearing, the Tenant was given leave to provide a copy of his receipt for service of the hearing package, security deposit receipt and a copy of an e-mail to the Landlord (which he said contained his forwarding address in writing) to the Dispute Resolution Officer by fax no later than 4:00 p.m. As of the date of this decision, however, the Tenant had not provided the requested evidence in support of his application and as a result, I find that there is insufficient evidence to conclude that the Landlord was served with the Tenant's hearing package as required by s.89 of the Act and to support the Tenant's application.

### 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 05, 2011.

---

Residential Tenancy Branch