



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This matter dealt with an application by the Tenant to recover the cost of emergency repairs, for the return of a security deposit and pet damage deposit plus compensation equal to the amount of the deposits due to the Landlord's failure to return them as required by the Act and to recover the filing fee for this and a previous proceeding.

The Tenant said she served the Landlord on April 6, 2011 with the Application and Notice of Hearing (the "hearing package") by registered mail to the address where he resided at the end of the tenancy (approximately one year ago). The hearing package was returned to the Tenant with a notation that "the recipient was not located at the address provided." The Tenant admitted that she had not taken steps to verify if the Landlord is still residing at this address.

Section 89 of the Act says that an application (for a Monetary Order) must be served in person or by registered mail to the Landlord's residence or place where he does business as a Landlord. The Landlord did not attend the hearing and the Tenant provided no reliable evidence that the Landlord was still residing at the address where he was served. Consequently, I find that the Landlord was not served with the Tenant's hearing package as required by s. 89 of the Act and her application is dismissed 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 18, 2011.

Residential Tenancy Branch