



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, OPT

Introduction

This hearing dealt with an application by the tenant for return of the security deposit, money owed or compensation due to damage or loss and an order of possession for the rental unit.

The tenant participated in the conference call hearing but the landlord did not. The tenant presented evidence that the landlord was served with the application for dispute resolution and notice of hearing by registered mail at the rental unit address.

As it could not be confirmed that the landlord had in fact been in receipt of the registered mail, I found that the landlord had not been properly served with notice of the tenant's claim and the date and time of the hearing.

Background and Evidence

The tenant testified that the landlord had never provided him with any contact information and the only address the tenant had for the landlord was the address of the rental unit.

As service to the landlord could not be verified, the hearing was not continued. Part way through discussing the landlord's address for service the tenant had to hang up the phone and requested a call back on their cell phone and the tenant provided the phone number to the Dispute Resolution Officer.

Attempts to re-establish contact with the tenant went on for 5 minutes with no success and the hearing was concluded at 11:25 AM.

Analysis

Based on the documentary evidence and testimony of the tenant I find that as service to the landlord could not be verified and the landlord did not attend the hearing, that the tenant's claim could not proceed.

The tenant may come to this office to apply for **Substitute Service** on the landlord at the rental address and explain that this is the only address that he has for service upon the landlord.

The tenant's 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: December 6, 2011.

Residential Tenancy Branch