



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *MNSD, FF*

### **Introduction**

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for a monetary order pursuant to Section 38 for the return of double the security deposit and for the recovery of the filing fee.

The tenant stated that he was not provided with the mailing address of the landlord. The only contact information that he had, was a phone number for the landlord. The tenant stated that after the tenancy ended, all his calls to the landlord went unanswered.

Since the tenant was unable to speak with the landlord to obtain a mailing address, the tenant served the notice of hearing by registered mail to the address of the dispute rental unit. He agreed that the landlord did not live at this address. He also stated that the hearing package was returned to him. The landlord did not attend the hearing. The tenant attended the hearing and had opportunity to be heard.

### **Issue to be Decided**

Was the landlord served with the notice of hearing? If the landlord was served with the notice of hearing pursuant to Section 88 of the *Residential Tenancy Act*, then the following issues need to be addressed.

Did the tenant provide the landlord with a forwarding address in writing? Is the tenant entitled to the return of double the security deposit? Is the tenant entitled to the recovery of the filing fee?

### **Analysis**

Section 88 of the *Residential Tenancy Act* addresses how to give or serve documents. The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. The landlord is entitled to have an opportunity to be heard at the hearing.

Based on the testimony of the tenant, I find that the notice of hearing was mailed to the dispute rental address which is not the residence of the landlord. The package was returned to the tenant. Therefore I find that the landlord was not notified of the hearing and accordingly, I am not satisfied that the notice of hearing was served in accordance with section 88 of the *Act*.

For the above reasons, I am dismissing the tenant's application for the return of double the security deposit, with leave to reapply. The tenant must bear the cost of filing this 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: March 06, 2012.

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Residential Tenancy Branch