



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing was scheduled to deal with cross applications. The tenant filed for return of double the security deposit, less the partial refund already received. The landlord filed for authorization to make deductions from the tenant's security deposit.

The landlord appeared at the hearing but the tenant did not, despite leaving the teleconference call open for at least 10 minutes.

The landlord confirmed that he was served with the tenant's Application for Dispute Resolution and that he was prepared to respond to the issues raised by the tenant. Since the tenant did not appear I dismissed her application without leave to reapply.

The landlord testified that the tenant was served with the landlord's Application for Dispute Resolution by registered mail sent May 9, 2012. The landlord did not provide a copy of a registered mail receipt but verbally provided a registered mail tracking number during the hearing. The landlord testified that he sent the registered mail to the tenant at her forwarding address in Terrace; however, I noted that the landlord identified the tenant's address as the rental unit on his Application for Dispute Resolution.

The landlord testified that the registered mail was not returned; however, a search of the tracking number showed that it was returned to the landlord in Burnaby on May 25, 2012.

The landlord testified that the tenant provided a forwarding address on a piece of paper at the end of the tenancy but the landlord did not provide a copy of that document as evidence. Nor did the landlord provide copies of the inspection reports that he claimed were prepared.

The applicant bears the burden to prove service of the Application for Dispute Resolution and evidence in a manner that complies with the Act and Rules of Procedure. Given all of the above considerations, I find I am uncertain as to the address used by

the landlord to serve the tenant or that it was returned to the landlord. Therefore, I have dismissed the landlord's application 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: May 29, 2012.

Residential Tenancy Branch