



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD, MNDC, FF

Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenant has requested return of the security deposit and to recover the filing fee from the landlord for the cost of this Application for Dispute Resolution.

The tenant provided affirmed testimony that copies of the Application for Dispute Resolution and Notice of Hearing were sent via Express Post to the landlord on April 19, 2012, with an amended applicaiotn sent via Express Post on May 29, 2012.

The mail was not returned to the tenant. The tenant used the landlord's address that was indicated on cheques the landlord had written.

Section 89(1) (c) of the Act requires service be completed by:

(c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord

As the tenant failed to provide evidence that the landlord was served with Notice of the hearing via registered mail, I determined that service was not properly completed and dismissed the 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: June 14, 2012.

Residential Tenancy Branch