



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 a landlord's application to retain a portion of the security deposit for the cost of cleaning and for the recovery of the filing fee. The tenant did not attend the hearing.

Issues(s) to be Decided

Was the tenant served the notice of hearing? Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy started on October 01, 2005 and ended on May 30, 2012. The tenant moved out without giving the landlord his forwarding address in writing. The landlord stated that he had the tenant's business card and mailed the notice of hearing package to the post box number on the card. The package was returned post marked "moved/unknown".

Since the tenant did not provide the landlord with his forwarding address and the notice of hearing was mailed to a business box number and returned, I find that the tenant was not properly served with the notice of hearing. Accordingly, I dismiss the landlord's application with leave to reapply. The landlord must bear the cost of filing this application.

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: August 01, 2012.

Residential Tenancy Branch