



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

### **Dispute Codes:**

MNDC, MNSD

### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the tenant for a monetary order for the return of the security deposit and damages in the amount of \$2,350.00.

### **Preliminary Issue**

The hearing commenced as scheduled and only the applicant tenant appeared. At the outset of the hearing the tenant stated that the landlord was served with the Notice of Hearing to attend these proceedings, sent by registered mail. However, the applicant tenant could not provide the registered mail tracking number from Canada Post.

Section 89 (1) of the Act states that an application for dispute resolution must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (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;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*]. (substitute service)

The burden of proof is on the applicant to prove that the respondent was properly served according to the Act.

Given that the tenant had failed to provide sufficient proof that the respondent was served in compliance with the Act, I found that the hearing could not proceed.

Accordingly, I hereby dismiss the tenant'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: August 28, 2012.

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Residential Tenancy Branch