



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD, FF

Introduction

This hearing was convened in response to an application by the tenant pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows.

1. An Order for the return of the security deposit – Section 38
2. An Order to recover the filing fee for this application - Section 72.

The tenant attended the conference call hearing. The landlord did not. The tenant provided proof of registered mail service to an individual purported to be the landlord in this tenancy – as in the style of cause in this matter – returned as unclaimed. In preliminary testimony, the tenant was advised to the fact that the tenancy agreement was not signed by the landlord and that the named respondent in this matter is not identified within the tenancy agreement as the landlord or their representative / agent. The applicant also stated that they located the respondent's address through a friend whom purportedly knows the respondent resides at the given address for service. The tenant did not employ any other means to locate or serve the landlord.

I find that the tenant has not provided sufficient evidence to establish the named respondent is the landlord, or that they served the rightful landlord in this matter. As a result, I am not satisfied the landlord in this matter was served with notice of this hearing and is aware of this action.

Therefore, I **dismiss** the tenant's application, but I do so with leave to reapply. None of the potential merits of this application were heard.

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: October 03, 2012

Residential Tenancy Branch