



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 the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") a monetary order for a return of her security deposit and for recovery of the filing fee.

The tenant appeared; the landlord did not appear.

The tenant testified that she served the landlord with the Application for Dispute Resolution and Notice of Hearing by registered mail; however the tenant did not submit physical evidence that the registered mail was sent, such as with a completed Canada Post registered mail receipt and she was unable to provide the tracking number.

Analysis and Conclusion

Section 89 of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondent (the landlord in this case) in person, or if a landlord, by leaving a copy with an agent of the landlord, by registered mail to the address at which the person resides, or if a landlord, by registered mail to the address at which the person carries on business as a landlord.

I find the tenant submitted insufficient evidence that she served the landlord her application for dispute resolution and notice of this hearing in a manner required by the Act. I therefore dismiss the tenant's application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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* and is being mailed to both the applicant and the respondent.

Dated: January 17, 2013

