



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC

Introduction

This hearing was scheduled to hear a tenant's application for return of his security deposit and rent received by the landlord for the month of October 2012. The landlord did not appear at the hearing. The tenant's advocate testified that the Application for Dispute Resolution and Statement of Particulars were sent to the landlord at the landlord's office via registered mail sent November 15, 2012. The advocate verbally provided a registered mail tracking number as proof of service and testified the registered mail was returned as unclaimed. I was satisfied the respondent was sufficiently served in a manner that complies with the Act and I continued to hear from the tenant.

I noted that the tenant had not provided documentation to support his claim that an "administrative error" was made on part of the Ministry of Social Development with respect to paying the landlord rent for the month of October 2012; evidence pertaining to the end of the tenancy; or, evidence the tenant had supplied the landlord with a forwarding address in writing in order to have the security deposit refunded.

The tenant's advocate requested an adjournment so as to gather and submit relevant documentation. I did not grant an adjournment of the proceeding considering: 1) the Rules of Procedure provide that evidence should be submitted at the time of filing an Application for Dispute Resolution where available or in advance of the hearing; and 2) the request for return of the security deposit may be premature if the tenant has not provided the landlord with his forwarding address in writing prior to filing an Application for its return.

As the landlord had not received the tenant's application and had not appeared at the hearing I found it non-prejudicial to 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: February 14, 2013

Residential Tenancy Branch

