



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This hearing dealt with the tenants' application for dispute resolution under the Residential Tenancy Act (the "Act") seeking a monetary order for a return of their security deposit and for recovery of the filing fee.

The male tenant appeared; the landlord did not appear.

The tenant testified that he served the landlord with the Application for Dispute Resolution and Notice of Hearing by registered mail. The tenant supplied a copy of a registered mail envelope, which showed that the mail went unclaimed; however the tenant was unable to provide any other information about the date the registered mail was sent as he said he was at work and that information was at home.

I will address my findings on proper service of the hearing documents later in this Decision.

### Issue(s) to be Decided

Is the tenant entitled to a monetary order comprised of their security deposit and the filing fee?

Have the tenants submitted sufficient evidence to prove that the landlord was served the Notice of Hearing?

### Background and Evidence

Other than a copy of the envelope showing the registered mail went unclaimed, the tenant the tenant did not provide any other evidence, such as the tenancy agreement

containing the landlord's mailing address, proof of their written forwarding address sent to the landlord, or payment of a security deposit.

In response to my question as to the date the registered mail was sent, the tenant did not have that information.

### Analysis

The Residential Tenancy Act requires that a Notice of Hearing and application package must be served upon the respondent, the landlord in this case, in the manner set forth in section 89.

In the case before me, I find the tenant failed to submit proof the respondent/landlord was served of the hearing documents as required by section 89 of the Act.

Without proof that the landlord was served with the Notice of Hearing and the tenants' application, I cannot proceed on the tenants' application.

### Conclusion

I therefore dismiss the tenants' 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: April 23, 2013

---

Residential Tenancy Branch