



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Kekinow Native Housing Society  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      MNSD

### Introduction and Analysis

This hearing dealt with the landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for a monetary order to keep all or part of the security deposit or pet damage deposit.

An agent for the landlord (the "agent") attended the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") was considered. The agent testified that the Notice was mailed via registered mail to the new address of the tenant which was provided by the tenant and received by the landlord on April 30, 2013. The agent stated that she did not have the tracking number and that the person who mailed the tenant was not available for the hearing. The landlord did not submit any documentary evidence to support that the tenant was served by registered mail. The agent was unable to confirm if the registered mail package was tracked online to determine if it was successfully delivered to the tenant.

Both parties have the right to a fair hearing. The tenant would not be aware of the hearing without having received the Notice of Hearing. Without a tracking number or some other documentary evidence, I am not satisfied that the tenant has been served with the Notice of Hearing. Therefore, **I dismiss** the landlord's application **with leave to reapply** due to insufficient evidence of service on the tenant. I note this decision does not extend any applicable time limits under the *Act*.

### Conclusion

The landlord's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 14, 2013

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Residential Tenancy Branch

