



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act"), seeking a monetary order for the return of double his security deposit under the *Act*.

The tenant attended the hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice") was considered. The tenant testified that the Notice was served in person by his ex-girlfriend, KS. KS was not available as a witness to provide testimony to confirm that she served the landlord with the Notice. The tenant was provided an opportunity to contact KS to arrange for her to call into the hearing, however, after a three minute waiting period, KS still had not called into the hearing.

Both the tenant and the landlord have a right to a fair hearing. The landlord would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing. I am not satisfied that the landlord was served with the Notice as the person who allegedly served the landlord with the Notice was not present during the hearing to testify. Therefore, **I dismiss** the tenant's application **with leave to reapply** due to a service issue. I note this decision does not extend any applicable time limits under the *Act*.

Conclusion

The tenant'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 08, 2013

Residential Tenancy Branch

