



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MND

Introduction

This hearing was scheduled to deal with cross applications. The tenant applied for return of double the security deposit and recovery of moving costs. The landlord applied for compensation for damage to the rental unit against both co-tenants. Only the landlord appeared at the hearing.

As the tenant did not appear at the hearing and the landlord confirmed that she was served with the tenant's Application and was prepared to respond to it during this hearing, I dismissed the tenant's Application.

With respect to the landlord's Application the landlord submitted that the tenants were served by registered mail sent on October 7, 2013 to the tenant's address that appears on the tenant's Application. The landlord provided a registered mail receipt for each co-tenant, including tracking numbers, as proof of service. A search of the registered mail tracking numbers showed that the registered mail is still waiting for pick-up at the post office.

The landlord also testified that her son went to the tenant's service address on October 7, 2013 in an attempt to serve the tenants personally but that the residence appeared vacant. The landlord also communicated with an agent for that property who confirmed the tenant had moved from that residence.

Based upon the submissions of the landlord, I found I was not satisfied the address used to send the registered mail to the tenants was the tenants' address of residence at the time of mailing or that the tenant's service address, as indicated on the tenant's Application for Dispute Resolution, was still current. The landlord stated that she had not been provided any other address for the tenants other than that which was provided to her on the tenant's Application for Dispute Resolution.

In keeping with the principals of natural justice, I found it unlikely the tenants are aware of the landlord's claims and I dismissed the landlord's application with leave to reapply.

As I have dismissed the tenant's application for return of the security deposit without leave to reapply, the security deposit may be retained by the landlord.

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: October 25, 2013

Residential Tenancy Branch

