



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD

### Introduction and Preliminary Matters

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking authority to retain the tenant's security deposit.

The landlord appeared; the tenant did not appear.

The landlord testified that he served the tenant with the Application for Dispute Resolution and Notice of Hearing by leaving it with the tenant. I asked the landlord if he handed the package to the tenant and he said that he did so.

After further discussion, the landlord confirmed that he had not handed the tenant his application for dispute resolution and Notice of Hearing, but rather he dropped off the hearing package to the home of the representative of the tenant, as he did not have the forwarding address of the tenant.

### Analysis and Conclusion

Section 89(1) of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondent (the tenant in this case) by leaving it with the person, by sending a copy by registered mail to the address at which the person resides or if a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant.

In the case before me, as the landlord confirmed that he did not leave the hearing package with the tenant and did not have her address or forwarding address, I therefore find the landlord submitted insufficient evidence that he served the tenant with their application for dispute resolution and notice of this hearing in a manner required by the Act.

I therefore dismiss the landlord's application, with leave to reapply.

Leave to reapply is not an extension of any applicable time limitation deadlines.

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* and is being mailed to both the applicant and the respondent.

Dated: November 08, 2013

---

Residential Tenancy Branch

