



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD, FF

Introduction

This Dispute Resolution hearing was convened to deal with an Application by the tenant seeking an order for the return of the security deposit retained by the landlord.

The tenant was in attendance, but the respondent landlord did not appear.

Preliminary Matter

At the outset of the hearing, the tenant testified that they had served the landlord with the Notice of Hearing, their evidence and a copy of the tenant's Application for Dispute Resolution.

However, the tenant stated that the tenant's address that was shown on the tenant's Application had been crossed out by the tenant so that the landlord would not know where the tenant lived. The tenant testified that this was done for safety reasons.

The tenant stated that an alternate address had previously been provided to the landlord as the tenant's written forwarding address, along with the written request that the security deposit be refunded.

Residential Tenancy Rules of Procedure, Rule 3.1, states that the applicant must serve each respondent with a **copy of the Application for Dispute Resolution**, along with copies of all of the following:

- a) the notice of dispute resolution proceeding letter provided to the applicant by the Residential Tenancy Branch;
- b) the dispute resolution proceeding information package provided by the Residential Tenancy Branch;
- c) the details of any monetary claim being made, and

d) any other evidence accepted by the Residential Tenancy Branch with the application or that is available to be served.

In this case I find that the tenant submitted a properly completed Application for Dispute Resolution to the Residential Tenancy Branch. However, the tenant did not serve this same document to the landlord as required under the Residential Tenancy Rules of Procedure. I find that, instead, the tenant had improperly altered the Application form to remove the tenant's service address.

Given the above, I find that the applicant has not sufficiently proven that the respondent was served with all of the required documents in compliance with the Residential Tenancy Rules of Procedure, Rule 3.1.

Having found that the tenant has failed to prove adequate service of the documents that must accompany the Notice of Hearing, I find that this application cannot proceed and must be dismissed. I hereby dismiss the application with leave to reapply.

Conclusion

The tenant is not successful in the application due to failure to serve the required documents and the application is dismissed 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: May 13, 2014

Residential Tenancy Branch

