Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant in which the applicant Is requesting a monetary order against the landlord seeking the refund of rent and the security deposit.

Only the applicant tenant appeared.

Preliminary Matter

The tenant testified that they served the landlord with the Notice of hearing by posting it on the landlord's door, because the landlord refused to respond.

Section 89 of the Act states that an application for dispute resolution must be given to one party by another, in one of the following ways:

(a) by leaving a copy **with the person**;

(b) if the person is a landlord, by leaving a copy with an agent of the landlord;

(c) **by sending a copy by registered mail** to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord. (*My emphasis*)

In this instance, I find that the applicant tenant did not serve the respondent, who was not at the hearing, in accordance with the Act.

Based on the above, I find that this matter cannot proceed because the tenant was not able to sufficiently prove that the landlord was properly served with the Notice of Hearing in accordance with the Act.

Therefore I dismiss the tenant's application **with leave to reapply**.

Conclusion

The tenant's application is dismissed with leave to reapply, as the matter could not proceed due to insufficient proof that the respondent was properly served in accordance with the Act.

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: June 04, 2014

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Residential Tenancy Branch