



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD

Introduction

This hearing dealt with two applications for Dispute Resolution by the tenant, one filed on April 8, 2014 and the other filed on April 29, 2014, in which the applicant was requesting a monetary order against the landlord seeking a refund of the security deposit.

Only the applicant tenant appeared.

Preliminary Matter

The tenant testified that they had served the landlord with the Notice of hearing by registered mail. No proof of service was submitted into evidence and the tenant was not able to provide the parcel tracking number from Canada Post.

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;

In this instance, I find that the applicant tenant was not able to provide sufficient evidence that would prove when and how the other party, who was not at the hearing, had been served.

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 hereby dismiss the tenant's applications with leave to reapply.

Conclusion

The tenant's applications are both dismissed with leave 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: July 31, 2014

Residential Tenancy Branch

