



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD FF

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) An Order to return double the security deposit pursuant to Section 38; and
- b) To recover the filing fee for this application.

SERVICE

The landlord did not attend the hearing. The tenant said he had served the landlord with the Application for Dispute Resolution by registered mail. However, although given time to find evidence of it, he was unable to provide any tracking number in order to verify that the Application had been sent by registered mail and to the correct address. I find insufficient evidence that the Application was served pursuant to section 89 of the Act for the purposes of this hearing.

Analysis and Conclusion:

I find insufficient evidence of service of the Application or that the landlord had notification of this hearing. According to the Principles of Natural Justice, a person must be notified of a case against them and an opportunity to respond. As discussed with the tenant in the hearing, it is important that he have proof of service of his forwarding address in writing to the landlord and also proof he served the Application.

I dismiss this Application of the tenant and give him leave to reapply. No filing fee is awarded.

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: September 11, 2014

Residential Tenancy Branch

