



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

MNSD, MNDC, and FF

### Introduction

This hearing was convened in response to an Application for Dispute Resolution, in which the Tenant applied for the return of the security deposit, a monetary Order for money owed or compensation for damage or loss, and to recover the filing fee from the Landlord for the cost of filing this application.

### Issue(s) to be Decided

Is the Tenant entitled to the return of security deposit and a partial rent refund?

### Background and Evidence

The Tenant stated that she served the Landlord with the Application for Dispute Resolution and the Notice of Hearing by registered mail. She stated that she cannot recall when the documents were mailed.

The Tenant did not submit a copy of a Canada Post receipt or any other documentation that corroborates her testimony that the documents were served by mail. The Tenant was unable to find her Canada Post receipt and was, therefore, unable to provide a tracking number for the package that was allegedly mailed.

### Analysis

The purpose of serving the Application for Dispute Resolution and the Notice of Hearing is to notify the other party that a proceeding has been initiated and to provide that party with an opportunity to respond to the claims being made. The Applicant, who is the Tenant in these circumstances, has the burden of proving that the documents were served.

As the Tenant did not submit documentary evidence, such as a Canada Post receipt, that clearly establishes the documents were mailed to the Landlord and the Tenant was unable to cite a Canada Post tracking number, which helps establish the documents

were mailed, I am unable to conclude, with reasonable certainty, that these documents have been served to the Landlord.

As I have insufficient evidence to conclude that the Landlord has been served with the Application for Dispute Resolution and the Notice of Hearing, I find I am unable to proceed in the absence of the Landlord. The Tenant's Application for Dispute Resolution is dismissed.

### Conclusion

As I have not considered the merits of the Tenant's Application for Dispute Resolution, it is dismissed with leave to reapply. The Tenant retains the right to file another Application for Dispute Resolution regarding these matters.

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: April 10, 2015

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Residential Tenancy Branch

