



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The applicant testified that he had served the Application for Dispute Resolution/Notice of Hearing by mailing, by registered mail to where the landlord carries on business. The applicant did not have a copy of the registered mail receipt with him. I adjourned the matter for 5 minutes to permit him to attempt to contact his wife to see whether she had the receipt at home. The applicant re-connected with the conference call and stated he was unable to contact his wife.

Policy Guideline 12 includes the following:

“Proof of service by registered mail should include the original receipt given by the post office and should include the date of service, the address of service, and that the address of service was the person's residence at the time of service, or the landlord's place of conducting business as a landlord at the time of service.

Failure to prove service may result in the matter being dismissed, or dismissed with leave to reapply. Adjournments to prove service are given only in unusual circumstances.”

The Application for Dispute Resolution makes a claim of \$690. That includes a claim for the deposit of \$325, the pet damage deposit of \$325 and a \$40 deposit for two FOBs. The tenant testified the landlord returned \$218 of the deposits by cheque on January 8, 2015. It does not appear the tenants have made a claiming for the doubling of the deposits in his Application.

The tenant was given a choice of withdrawing his claim with liberty to re-apply or proceeding with the hearing conditional on the proof of service but limited to the \$690 that was set out in the Application for Dispute Resolution. The tenant stated he wished to withdraw his claim.

As a result I ordered that the application be dismissed with leave to re-apply.

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, 2015

Residential Tenancy Branch

