



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNSD FF

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution, seeking a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, for the return of all or part of the security deposit or pet damage deposit, and to recover the cost of the filing fee.

The tenant attended the teleconference hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing"), and Application for Dispute Resolution (the "Application") were considered. The tenant testified that the Notice of Hearing and Application were mailed via registered mail to the landlord's address but could not recall the tracking number. The tenant testified that her son also filed a different Application regarding a different tenancy and that the tracking numbers were combined in her evidence and she could not determine which tracking number related to her Notice of Hearing and Application.

Residential Tenancy Branch Policy Guideline #12 Service Provisions requires that where a tenant is serving a landlord by registered mail, the address for service must be where the landlord resides at the time of mailing or carries on business as a landlord. Based on the above, I am not satisfied that the tenant served the landlord as the tenant was unable to provide the tracking number specific to her Application. In reaching this conclusion, I have also considered that the tenant stated that her son must have moved the returned packages as she did not have those packages before her during the hearing to advise me as to what the packages said on them if they were returned to the sender.

Both parties have a right to a fair hearing and the landlord would not be aware of the hearing without having received the Notice of Hearing and Application. Therefore, I **dismiss** the tenant's application **with leave to reapply** due to a service issue. I note this decision does not extend any applicable time limits under the *Act*.

Conclusion

The tenant's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: October 15, 2015

Residential Tenancy Branch

