



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 an application by the landlord to retain the security deposit. The landlord stated that the tenant moved out without providing the landlord with a forwarding address. The landlord found a piece of paper with an address and phone number and sent the notice of hearing package to that address, by registered mail. The landlord also called the number by the address and it was the father of the tenant who answered. The tenant did not attend the hearing.

Issue to be Decided

Was the tenant served with the notice of hearing pursuant to Section 88?

Analysis

Section 88 and section 89 of the *Residential Tenancy Act* address how to give or serve documents. The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. The tenant is entitled to have an opportunity to be heard at the hearing. Based on the testimony of the landlord, I am not satisfied that the notice of hearing was served in accordance with the *Act*.

Conclusion

The landlord's application is dismissed with leave to reapply.

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: December 03, 2015

Residential Tenancy Branch

