



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CONNECTOR PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (“*Act*”), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- authorization to obtain a return of the security deposit, pursuant to section 38.

The landlord did not attend this hearing, which lasted approximately 12 minutes. The tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Issue – Service of Tenant’s Application

The tenant testified initially that she served her application for dispute resolution hearing package (“Application”) to one of the landlords in person but she could not recall the date, as it was sometime between September 25 and 26, 2015. The tenant then testified, when I advised her that I had a note in her file from someone else saying they served documents on September 26, 2015, that her friend served documents to one of the landlords in person on that date. On both occasions, the tenant said that she did not know which landlord was served because a new landlord took over the tenancy after the landlord company named in this Application.

During the hearing, I advised the tenant that I could not proceed with this hearing because I could not confirm whether the landlord named in this application was served with the tenant’s Application, as required by section 59(3) of the *Act*. The tenant was unsure of which landlord was served, saying that the landlords kept changing and she did not know which landlord was in the office on the day of service.

Accordingly, I notified the tenant that her Application was dismissed with leave to reapply. I told the tenant that she would be required to file a new application for dispute

resolution and to provide proof of service on the correct landlord for this tenancy at the next hearing.

Conclusion

The tenant'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: April 06, 2016

Residential Tenancy Branch