



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KAISAIH INVESTMENT CORPORATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD OLC FF

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the "*Act*") for a monetary order for the return of the security deposit or pet damage deposit, for an order directing the landlord to comply with the *Act*, 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"), Application for Dispute Resolution (the "Application") and documentary evidence were considered. The tenant testified that he served the landlord via regular mail and not via registered mail. Section 89(1)(c) of the *Act* requires that the Notice of Hearing and Application be served by registered mail and not regular mail.

Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received the Notice of Hearing document and Application. Based on the tenant's affirmed testimony I am not satisfied that the landlord has been served with the Notice of Hearing and Application in a method provided for under the *Act*. 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: May 5, 2016

Residential Tenancy Branch