



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FF

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for the return of double her security deposit under the Act and to recover the cost of the filing fee.

The tenant attended the teleconference hearing. The landlord did not attend the 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 she did not serve the respondent landlord with the Notice of Hearing, Application and documentary evidence package. The tenant assumed that the Residential Tenancy Branch served the respondent which is not correct and is not in accordance with the Rules of Procedure.

Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and Application from the applicant tenant. Therefore, **I dismiss** the tenant's application **with leave to reapply** as the landlord has not been sufficiently served with the Notice of Hearing and Application. 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: August 19, 2016

Residential Tenancy Branch