



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, RPP, MNDC, OLC, FF

Introduction

On May 7, 2016, the Tenant submitted an Application for Dispute Resolution for the Landlord to return of all or part of the pet damage deposit or security deposit, for other relief, and to recover the filing fee for the Application.

The Tenant appeared at the teleconference hearing; however, the Landlord did not.

The Tenant testified that the Notice of Hearing was sent to the Landlord's address using Registered Mail. The Tenant testified that it was reported to her that the Landlord is no longer at the address because the mail was returned to her marked as moved / unknown. The Tenant also submitted that the Landlord's phone number is no longer in service.

In the circumstances, I find that it is not reasonable to conclude that the Landlord resides at the address where the documents were sent, and consequently the deemed received provision for mailing a document under section 90 of the Act does not apply.

I find that the Landlord has not been properly served with the Notice of Hearing. 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: October 04, 2016

Residential Tenancy Branch

