



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with a tenant's application for return of double the security deposit. The landlord did not appear at the hearing. The testified that she had served the landlord with her Application for Dispute Resolution in June 2016. I noted that the tenant had supplied a registered mail receipt dated November 2, 2016. The tenant claims that she sent her evidence to the landlord on that date but that it was returned to her as being refused; however, the tenant also stated that she believes the landlord has moved. The tenant did not submit a registered mail receipt issued in June 2016 and the tenant was unable to provide a registered mail tracking number during the hearing but the tenant indicated that she may be able to find it at home and provide it to me after the teleconference call. I proceeded to hear the tenant's case but informed the tenant that the outcome of the decision will depend upon the tenant providing me with evidence of registered mail sent to the landlord in June 2016. I ordered the tenant to produce the registered mail receipt no later than November 30, 2016 and I informed her that she may do so by delivering it to a Service BC office nearest her. As of the day of writing this decision, I have not received the registered mail evidence I requested.

As the hearing progressed, I noted that the tenant provided inconsistent testimony as to whether she had given the landlord a forwarding address in writing prior to filing. It is important to note that in order for a tenant to make a claim for return of their security deposit the tenant must first give the landlord a forwarding address in writing. To file before doing so would be pre-mature.

Where a respondent does not appear at the hearing, the applicant bears the burden to prove that the applicant was served with notification of the claims against them and the hearing in a manner that complies with the Act and Rules of Procedure. An applicant is required to serve the respondent with their Application within three days of filing. In the absence of evidence to support that the tenant sent her hearing package to the landlord in June 2016 via registered mail, and the tenant's inconsistent testimony concerning service, I find the tenant failed to meet her burden to satisfy me that the landlord was

served with her Application as required under the Act. Therefore, I dismiss the tenant's application 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 14, 2016

Residential Tenancy Branch