



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with a tenant's application for return of the security deposit. The landlord did not appear at the hearing. The tenant testified that he sent the hearing package to the landlord via regular mail using the landlord's business address that was provided on the landlord's business card since the landlord did not provide a service address on the tenancy agreement. The tenant also stated that he served documents upon the landlord in person at the landlord's place of business but he could not recall which documents those were.

Where a respondent does not appear at a scheduled hearing, the applicant bears the burden to prove the respondent was served with the hearing package in accordance with section 89 of the Act.

Section 89(1) of the Act provides that an Application for Dispute Resolution for a monetary claim must be served to the respondent either in person or by registered mail; or as ordered by the Director. Registered mail is any service offered by Canada Post where a recipient's signature is required. Using regular mail is not a permissible method of service for an Application for Dispute Resolution. Since the tenant did not meet his burden to prove the landlord was properly served with notification of this proceeding I declined to proceed to hear this case and I dismissed it with leave to reapply.

Since I am unable to determine whether the landlord received the tenant's Application for Dispute Resolution and forwarding address, I informed the tenant that he is at liberty to re-serve the landlord with a forwarding address and if the landlord fails to take action in a manner that complies with section 38 of the Act, the tenant shall be at liberty to reapply for return of double the security deposit.

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: May 24, 2017

Residential Tenancy Branch