



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNSD FF O

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution (the "Application") pursuant to the *Residential Tenancy Act* (the "Act") seeking a monetary claim for the return of all or part of the tenant's security deposit and/or pet damage deposit, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, 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") and Application for Dispute Resolution (the "Application") were considered. The tenant affirmed that she served the landlord at an address that the landlord was not residing at when the registered mail package was mailed on December 15, 2016. The tenant confirmed the home was sold in July 2016 and the registered mail package was returned to sender as marked as unclaimed.

Section 89(1)(a) through (e) inclusive of the *Act* sets out the methods in which a monetary claim may be served under the *Act*. Based on the evidence before me, I find the tenant failed to serve the landlord in a method provided for under section 89(1) of the *Act*.

Both parties have a right to a fair hearing and the landlord would not be aware of the hearing without having received the Notice of Hearing and Application. Therefore, I **dismiss** the tenant's application **with leave to reapply** due to 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: June 8, 2017

Residential Tenancy Branch