



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 an Application for Dispute Resolution by the tenant for the return of all or part of the security deposit.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing

Preliminary and procedural matter

At the outset of the hearing the landlord stated that they were not served with the tenant's application for dispute resolution. The landlord stated that they only received a copy of the notice of hearing.

The tenant stated that they were not told that they were required to serve the application. The tenant later changed their testimony to say it was served.

In this case, I am not satisfied that the landlord was served with a copy of the tenant's application. Therefore, I decline to hear the matter as the principal of natural justice require that a person be informed and given particulars of the claim against them. The tenant's application for the return of the security deposit is dismissed with leave to reapply.

Conclusion

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 20, 2017

Residential Tenancy Branch