



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNSD, FF

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. An Order to retain the security deposit - Section 38; and
3. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the hearing. The Landlord states that the Tenant sent the Landlord two letters each requesting the return of the security deposit and that the Tenant did not provide an address for this return in the body of either letter. The Tenant only provided the Landlord with her phone number and email address for contact purposes. The Tenant’s letter contained a return address on the envelopes. The Landlord did not contact the Tenant to confirm if this return address was either the Tenant’s residential address or the Tenant’s forwarding address. The Landlord states that the application for dispute resolution and notice of hearing (the “Materials”) were sent to the return address on the envelope.

Section 89(1) of the Act provides that an application for dispute resolution must be given to a tenant in one of the following ways:

- by leaving a copy with the person;
- by sending a copy by registered mail to the address at which the person resides;
- by sending a copy by registered mail to a forwarding address provided by the tenant; or

- as ordered by the director under section 71(1).

As there is no evidence that the Tenant sent the Landlord its forwarding address in the body of its letters and as there is no evidence to determine that the address on the outside of the envelope was either the Tenant's forwarding address or residential address I find that the Landlord has not substantiated that it served the Materials under any of the methods allowed under the Act. I therefore dismiss the application for dispute resolution 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: February 22, 2018

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Residential Tenancy Branch