



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding H&L CONDO SERVICE
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD, FFT

Introduction

On May 10, 2018, the Tenant made an Application for Dispute Resolution seeking a Monetary Order for a return of the security deposit pursuant to section 38 of the *Act* and seeking to recover the filing fee pursuant to section 72 of the *Act*.

The Tenant attended the hearing; however, there was no appearance by the Landlord. The Tenant provided a solemn affirmation.

The Tenant advised that he served the Notice of Hearing package, by registered mail, to the Landlord sometime in mid-May 2018 but he was not sure of the exact date. The Tenant also could not provide a registered mail tracking number for this package. He advised that the package was returned stating “Moved or unknown. Return to sender.” When questioned what address he used for service for the Landlord, he stated that he “Googled” the Landlord’s address. When asked if the Landlord’s address was on the tenancy agreement, why he did not use that address for service, he stated that he had his tenancy agreement “somewhere” but he could not find it. As the Notice of Hearing package has not been served to an address that has been corroborated to be an appropriate service address for the Landlord, I am not satisfied that the Landlord was served with the Tenant’s Notice of Hearing package. As such, I dismiss the Tenant’s Application with leave to re-apply.

The Tenant also stated that he did not provide a forwarding address in writing to the Landlord. I encouraged the Tenant to seek information from the Residential Tenancy Branch about his rights and responsibilities with respect to the requirements of the return of a security deposit.

As the Tenant was unsuccessful in his application, I find that the Tenant is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I dismiss the Tenant's Application with leave to re-apply.

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: June 25, 2018

Residential Tenancy Branch