



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, MNSD

Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* for the return of the security deposit and a Monetary Order for compensation.

The Landlord and the Tenant both called into the teleconference hearing and were affirmed to be truthful in their testimony.

Service of the Notice of Dispute Resolution Proceeding (the “Notice of Hearing”) was addressed and the Landlord testified that he was only aware of this hearing due to a reminder email received from the Residential Tenancy Branch a few days prior to the hearing. He testified that prior to receiving the email, he had not received any documents regarding the hearing from the Tenant.

The Tenant testified that she sent notice of the hearing and copies of her evidence by registered mail. She provided a registered mail tracking number that is included on the front page of this decision. When the tracking number was entered on the Canada Post website, it was stated that the tracking number is not in their system.

Preliminary and Procedural Matter

Without sufficient evidence to confirm the Notice of Hearing documents had been sent and based on the Landlord’s testimony that he did not receive them, I am not able to confirm that the Notice of Hearing documents were served to the respondent.

A respondent has a right to know the claims against them and to be provided with an opportunity to submit evidence and testimony in response of the claims.

As I was not able to confirm that the Notice of Hearing documents were served to the Landlord in accordance with the *Act*, I dismiss the Tenant's application with leave to reapply.

Conclusion

The Tenant's application is dismissed with leave to reapply due to a service issue. This does not extend any applicable timelines under the *Residential Tenancy Act*.

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 14, 2018

Residential Tenancy Branch