



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FFT

Introduction

This hearing dealt with the Tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for the following:

- order to obtain a return of all or a portion of the security deposit; and
- order to recover the Tenant's filing fee for this application from the Landlord.

The Applicant attended the hearing and was affirmed. The Applicant was given a full opportunity to submit evidence and testify. The Respondent did not attend the hearing.

Preliminary Issue

The Tenant was unable to establish the Landlord had been served with the application for dispute resolution as required by Section 89 of the *Act*.

The Tenant stated she served the Landlord by registered mail. However, the Tenant could not recall the date, nor could she find the receipt to provide the Canada Post Tracking number. She did not submit a copy of a receipt.

Analysis

Section 89 of the *Act* sets out how an Applicant must serve a Respondent with an application for dispute resolution. There are several ways a Respondent may be served, including by registered mail.

The Tenant testified she served the Respondent by registered mail. However, the Tenant submitted no documents such as a Canada Post tracking number or a copy of the receipt to support a finding that the Landlord had been served with the application for dispute resolution.

Therefore, I find the tenant has failed to prove service as required and the application is dismissed with leave to reapply.

Conclusion

As the Tenant was unable to establish the Landlord had been served with the application for dispute resolution as required by Section 89 of the *Act*, the application is dismissed with leave to reapply. This does not extend any time limits under the *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 20, 2018

Residential Tenancy Branch