



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FF

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on July 15, 2018 (the "Application"). The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act*:

- an order that the Landlord return all or part of the security deposit and/or pet damage deposit; and
- an order granting recovery of the filing fee.

The Tenant attended the hearing at the appointed date and time, and provided affirmed testimony. The Landlord did not attend the hearing.

The Tenant testified the Application package and documentary evidence were served on the Landlord by registered mail. Canada Post customer receipts were submitted into evidence. Tracking information confirms the packages were sent to 2 different addresses the Tenant had obtained. However, tracking information viewed online with the Tenant's agreement confirms the package that was sent to an address in Sechelt was delivered July 3, 2018, before the date the Application was made. This was obviously not possible. Further, the tracking information viewed online confirms the second package sent to an address in Langley was not delivered.

In light of the above, I find I am not satisfied the Landlord was served with the Application package in accordance with section 89 of the *Residential Tenancy Act*. Accordingly, I find that the Application is dismissed. However, as the Landlord did not attend the hearing, the Tenant is granted leave to reapply for the relief sought. This is not an extension of any applicable statutory deadline.

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: November 20, 2018

Residential Tenancy Branch