



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD, FF, O

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

- authorization to obtain a return of all or a portion of her security deposit pursuant to section 38;
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

The tenant attended the hearing via conference call and provided undisputed affirmed testimony. The landlord did not attend or submit any documentary evidence. The tenant stated that the landlord was served with the notice of hearing package via Canada Post Registered Mail on July 27, 2018 and provided a copy of the Canada Post Receipt. The tenant clarified that the package was returned by Canada Post and the indicated "Return to Sender" label stated, "Moved/Unknown". The tenant stated that he could provide no further details on the landlord's whereabouts or mailing address for service.

Section 89 of the Act states in part that an application for dispute resolution must be given in one of the following ways, in this instance by sending a copy by registered mail to the address at which the person resides or if the person is a landlord, to the address at which the person carries on business as a landlord. In this, case, the tenant stated that this was an address at which he had previously provided rent to the landlord, but was unable to provide any further details of the landlord's current mailing address.

As such, I find that as Canada Post has returned the package labelled, "Moved/Unknown" and the tenant is unable to provide any further details of a valid mailing address of the landlord, I dismiss the tenant's application with leave to reapply for lack of service as the landlord cannot be said to have been given an opportunity to respond to the tenant's claim.

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 29, 2018

---

Residential Tenancy Branch