



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FFT

Introduction

On February 15, 2019, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) for the Landlord to return a security deposit, and to recover the filing fee for the cost of the Application.

The Tenant appeared at the hearing; however, the Landlord did not. The Tenant provided affirmed testimony that he served the Landlord with the Notice of Hearing by regular mail on February 21, 2019.

Section 89 of the Act provides that an application for dispute resolution must be served to the respondent in one of the following ways:

- by leaving a copy with the person;
- if the person is a landlord, by leaving a copy with an agent of the landlord;
- 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;
- if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- as ordered by the director

I find that that the Notice of Dispute Resolution Proceeding documents were not served to the Landlord in accordance with sections 89 of the Act.

Since I find that the Notice of Dispute Resolution Proceeding was not properly served to the Landlord, the hearing could not proceed because there is insufficient evidence that the Landlord received proper notice of the hearing and had an opportunity to respond.

The Tenant's application for the Landlord to return the security deposit, and to recover the filing fee for the cost of the Application is dismissed with leave to reapply.

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 06, 2019

Residential Tenancy Branch