



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDCT

Introduction

On April 8, 2019, the Tenant applied for a Dispute Resolution proceeding seeking a return of double his security deposit pursuant to Section 38 of the *Residential Tenancy Act* (the “Act”) and seeking monetary compensation pursuant to Section 67 of the *Act*.

The Tenant attended the hearing; however, the Landlord did not make an appearance. All in attendance provided a solemn affirmation.

The Tenant advised that he served the Notice of Hearing package to the Landlord by mail, but he was not sure what type of mail as this was done so long ago. He submitted a receipt as documentary evidence to support that he mailed this package. However, this receipt did not have any registered mail tracking information on it. Furthermore, he advised that he did not receive any notification or look up online the status of this package.

As the Landlord did not attend the hearing, and as I was not satisfied that the Tenant served the Landlord with the Notice of Hearing package by registered mail, or in a method in accordance with Section 89 of the *Act*, I dismiss the Tenant's Application with leave to reapply. However, this does not extend any applicable time limits under the legislation. I have not made any findings of fact or law with respect to merits of the issues in the Application.

Conclusion

I dismiss the Tenant's Application with leave to reapply. However, this does not extend any applicable time limits under the legislation.

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: July 29, 2019

Residential Tenancy Branch