



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPILANO PROPERTY MANAGEMENT and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD

Preliminary Matters

On June 18, 2019, the Tenant applied for a Dispute Resolution proceeding seeking a return of her security deposit pursuant to Section 38 of the *Residential Tenancy Act* (the "Act").

The Tenant attended the hearing; however, the Landlord did not attend the 13-minute hearing. All in attendance provided a solemn affirmation.

The Tenant advised that she served the Landlord the Notice of Hearing package by registered mail on or around June 27, 2019; however, she did not have any proof of this service. She stated that the Landlord refused the package and it was sent back to her, but she did not pick up this package and just left it at the post office. As a result, she did not have this package either to rely on or to provide the registered mail tracking number. Based on this testimony, I am not satisfied that the Landlord was served with the Notice of Hearing package. As such, I dismiss the Tenant's Application with leave to reapply.

Conclusion

I dismiss the Tenant's Application 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: October 3, 2019

Residential Tenancy Branch