



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FF

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A participatory hearing was held on August 5, 2021. The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- The return of her security deposit, pursuant to section 38 of the Act.

The Tenant attended the hearing. However, the Landlord did not.

The Tenant stated she sent the Notice of Hearing along with supporting documentary evidence to the Landlord by registered mail on March 13, 2021. Proof of mailing was provided. The Tenant stated that she sent this package to the Landlord's residence.

During the hearing, the Tenant explained that this rental unit was in the basement of the Landlord's residence, which she moved out of on September 30, 2019. The Tenant stated she is not sure if the Landlord still lives at this address or not, but it is the last known address she has for him.

I note the tenancy ended on September 30, 2019, and the Tenant filed this application on March 10, 2021, which means nearly 1.5 years lapsed after the tenancy ended, before she sent her Notice of Hearing to him. The Tenant provided no corroborating evidence or testimony to explain how she would know, with any degree of certainty that the Landlord still resides at this address. Given the length of time that has lapsed, I do not find the Tenant has provided sufficient evidence to show this is the Landlord's current address for service, or place of residence.

I do not find the Tenant has sufficiently demonstrated that she served the Landlord with her Notice of Hearing package in accordance with section 89 of the Act.

As the Notice of Hearing has not been sufficiently served for the purposes of this *Act*, I dismiss the Tenant's application in full, with leave to reapply.

Conclusion

I dismiss the Tenant's application in full, 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: August 5, 2021

Residential Tenancy Branch