



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDCT

Introduction

This hearing dealt with the Application filed by the Tenant under the *Residential Tenancy Act* (the “*Act*”). The Tenant applied for the return of their security deposit, for a monetary order for compensation due to monetary loss or other money owed, and to recover their filing fee. The matter was set for a conference call.

The Landlord attended the hearing was affirmed to be truthful in their testimony. As the Tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing documents was considered. Section 59 of the *Act* states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The Tenant testified that the Application for Dispute Resolution and Notice of Hearing document had been sent to the Landlord by Canada Post Registered mail. The Tenant was unable to testify to the date the registered mail was sent, nor did they provide evidence of this service into documentary evidence. In the absence of evidence of service, I find that the Landlord had not been duly served the notification of this hearing as required, pursuant to section 59 of the *Act*.

Therefore, I dismiss the Tenant’s application with leave to reapply. This decision does not extend any legislated timelines pursuant to the *Act*.

Conclusion

I dismiss the Tenant's application for Dispute Resolution 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 the Application.

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: January 14, 2022

Residential Tenancy Branch