



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Dismissal of Application

The Applicant seeks an order under s. 38 of the *Residential Tenancy Act* (the “Act”) for return of security deposit.

R.B. appeared on her own behalf as Applicant. M.A. appeared as advocate and translator for the Applicant. The Respondent did not appear at the hearing.

The parties affirmed to tell the truth during the hearing. I advised of Rule 6.11 of the Rules of Procedure, in which the participants are prohibited from recording the hearing. The parties confirmed that they were not recording the hearing. M.A. indicated that she was translating English to Farsi, and vice versa, on behalf of the Applicant.

The Applicant advised that she did not serve the Notice of Dispute Resolution on the Respondent at all. Reference was made to a registered mail sent on July 8, 2021, however, the Applicant’s application was made on October 28, 2021. As the Applicant failed to serve the Notice of Dispute Resolution on the Respondent as contemplated by s. 89 of the *Act*, I dismiss her application with leave to reapply. I make no findings with respect to the matters in dispute in the application and this dismissal does not extend any time limitation that may be applicable under the *Act*.

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: February 03, 2022

Residential Tenancy Branch