



# Dispute Resolution Services

Page: 1

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 May 17, 2022. The Tenant applied for the return of her security deposit, pursuant to section 38 of the *Residential Tenancy Act* (the "Act").

The Landlord did not attend the hearing. The Tenant attended the hearing and provided affirmed testimony. She stated that she sent the Notice of Dispute Resolution Proceeding to the Landlord's residence by registered mail. The Tenant could not recall when she sent this package, nor did she have any registered mail tracking information to support how and when she served this document package.

Having considered this matter, I do not find the Tenant has provided sufficient evidence to satisfy me that she has served the Landlord with the Notice of Dispute Resolution Proceeding. The Tenant was unclear on when it was sent, and did not have any corroborating tracking information. Consequently, I am not satisfied the Tenant has sufficiently served the Landlord with the required documents.

As the Notice of Dispute Resolution Proceeding has not been sufficiently served for the purposes of this *Act*, I dismiss the Tenant's application in full, with leave to reapply. However, this does not extend any statutory limitations under the *Act*.

### 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: May 17, 2022

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Residential Tenancy Branch