



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDS-DR, FFT

This hearing dealt with the tenants' application pursuant to the Residential Tenancy Act (the Act) for:

- authorization for the return of the tenants' security deposit, pursuant to section 38; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

This matter was scheduled to be heard by teleconference at 1:30 p.m. on this date. The tenant participated in the teleconference, the landlord did not. The tenant testified that he served the landlord by "regular mail through Canada Post". After asking for some clarification, the tenant inferred that he had served the landlord by registered mail. However, the tenant did not provide the tracking number or sufficient documentation to corroborate this. I find that the tenant has not provided sufficient evidence to show that the landlord was served notice of this hearing or his application in accordance with section 89 of the Act, accordingly; this application is dismissed with leave to reapply. The recovery of the filing fee is dismissed without leave to reapply. Leave to reapply is not an extension of applicable time limitations.

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 31, 2022

Residential Tenancy Branch