



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      MNDCT, MNSD

### Introduction

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

- authorization to obtain a return of all or a portion of her security deposit pursuant to section 38; and
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67.

This matter was set for a conference call hearing at 1:30 p.m. on this date. The tenant participated in the hearing, the landlord did not. The tenant filed this application on June 13, 2022. When I asked the tenant if and, when she served the landlord the Notice of Hearing Package and her Application, she stated that "I'm not sure I ever served them". The tenant submitted four separate registered mail slips; however, she was unable provide specifics as to what each package contained and if any of them contained the Notice of Hearing Document and Application.

Accordingly, the tenant was unable to satisfy me that the landlord had been served the Notice of Hearing Documents and Application in accordance with the *Act* and as a result, I dismiss the tenants' application with leave to reapply.

Leave to reapply is not an extension of any applicable limitation period.

### Conclusion

The tenant's application is dismissed 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: February 14, 2023

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Residential Tenancy Branch