

## **DECISION**

**Dispute Codes**      MNSD, FF, O

### **Introduction**

This hearing commenced by way of conference call to deal with the tenant's application for return of the security deposit and to recover the filing fee from the landlord for the cost of this application.

Despite being served with the application for dispute resolution and notice of hearing documents by registered mail on February 22, 2010, the landlord did not attend the hearing.

Section 59 (3) of the *Residential Tenancy Act* states a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director. The application in this matter was made on February 17, 2010 and the applicant received the notice of hearing documents on February 18, 2010 for service upon the respondent. I find that the applicant did not serve the landlord with the required documents within the time prescribed, and therefore, the application is hereby 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: May 19, 2010.

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Dispute Resolution Officer