



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

DECISIONS AND REASONS

This hearing dealt with an application for Dispute Resolution by the tenant seeking the return of his security deposit, a monetary order for money owed or compensation for damage or loss and recovery of the filing fee.

The landlord did not appear at the hearing.

The tenant's agent appeared and gave preliminary information. However, the agent was not able to supply the necessary information or testimony regarding service of the Application and Hearing Package to the landlord.

There was no evidence submitted documenting service of the Application and Hearing Package nor could the agent supply any testimony about the documents being served upon the landlord.

The purpose of serving documents such as the Application and Hearing Package under the Residential Tenancy Act (the "Act") is to notify the person being served of their alleged breach and notification of their rights under the *Act* in response. The tenant is seeking a monetary order and has the burden to prove service of the Application and Hearing Package pursuant to section 89 of the Act.

I cannot confirm that the landlord received a copy of the Application and Hearing Package.

I therefore find that the tenant had insufficient evidence to show the landlord was served with the Application and Hearing Package consistent with the Residential Tenancy Branch Rules of Procedure and the Act.

Conclusion

I hereby **DISMISS** the tenant's application, **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: August 31, 2011.

Residential Tenancy Branch