



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FF

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for a monetary order for the return of double her security deposit and to recover the filing fee.

The tenant attended the hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice") was considered. The tenant testified that the Notice was mailed via registered mail to the address of the landlord on March 29, 2013. A tracking number was provided in evidence. The documentary evidence indicates that the registered mail package was returned to the tenant as "moved/unknown". The tenant testified that she last attended the landlord's residence on March 9, 2013 and had not returned to confirm if the landlord was still residing at the address where the registered mail package was addressed since March 9, 2013.

Residential Tenancy Branch Policy Guideline #12 Service Provisions requires that where a tenant is serving a landlord by registered mail, the address for service must be mailed to the address at which the person carries on business as a landlord. The tenant confirmed that the registered mail package was returned to her as "moved/unknown". Therefore, **I find** the landlord has not been served in accordance with Policy Guideline #12 as the tenants mailed the Notice to the landlord and that registered mail package has been returned as "moved/unknown", which supports that the landlord has either moved from that address or is unknown at that address.

Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing. Therefore, **I dismiss** the tenant's application **with leave to reapply** as the landlord has not been sufficiently served with the Notice. I note this decision does not extend any applicable time limits under the *Act*.

Conclusion

The tenant's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: June 18, 2013

Residential Tenancy Branch