



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Code          MNSD

This hearing was convened pursuant to the Tenant's Application for Dispute Resolution, made on February 1, 2020 (the "Application"). The Tenant applied for an order that the Landlord return all or part of the security deposit and/or pet damage deposit, pursuant to the *Residential Tenancy Act*.

The Tenant attended the hearing at the appointed date and time and provided affirmed testimony. The Landlord did not attend the hearing.

During the hearing, the Tenant testified that the Landlord was provided with a forwarding address in writing in a letter dated January 17, 2020. The Tenant testified the letter was sent to the Landlord via registered mail on February 11, 2020, the same date on which she served the Landlord with the Notice of Dispute Resolution Proceeding. Unfortunately, the supporting Canada Post registered mail receipt was not submitted into evidence and the Tenant was unable to refer me to a copy of the letter in her evidence.

The Tenant's documentary evidence of service of the Notice of Dispute Resolution Proceeding was not submitted into evidence and the Landlord did not attend the hearing. As a result, I find I cannot be satisfied that the Landlord was served with notice of the hearing in accordance with the *Residential Tenancy Act*. It is also problematic that the Application appears to have been made prematurely, before the forwarding address was provided to the Landlord. I find it appropriate in the circumstances to dismiss the Application with leave to reapply. This is not an extension of any applicable limitation period.

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: June 23, 2020

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Residential Tenancy Branch