



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

This hearing was in response to an Application for Dispute Resolution, in which the Tenant applied for the return of double her security deposit and to recover the filing fee from the Landlord for the cost of filing this application.

The Tenant, who was not at the hearing, was represented at the hearing by her son, who was acting as an Agent for the Tenant. The Landlord did not attend at the hearing.

The Agent for the Tenant stated that he did not know how the Tenant advised the Landlord of the time and date of this hearing. The Agent for the Tenant requested, and was granted, a twenty minute adjournment to provide him with the opportunity to contact the Tenant and determine how the Landlord as served with the Application for Dispute Resolution package.

When the hearing was reconvened the Agent for the Tenant stated that he had spoken with the Tenant and she advised him that she had left a voice message for the Landlord, in which she advised the Landlord that there would be a hearing. I find that the Tenant has not established that she served the Landlord with the notice of this hearing in accordance with section 89(1) of the *Act*, which reads:

89 (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

The Agent for the Tenant was given the option to either withdraw the Tenant's application or to have the application dismissed with leave to reapply. The Agent for the Tenant elected to withdraw the Tenant's application. As the Tenant's Application for



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Dispute Resolution has been withdrawn, the Tenant retains the right to file another Application for Dispute Resolution in relation to this matter.

Dated: May 14, 2009.

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Dispute Resolution Officer