

DECISION

Dispute Codes RPP O MNSD FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to obtain a Monetary Order for the return of the security deposit, for the return of the Tenant's personal property, and to recover the cost of the filing fee from the Landlord for this application.

Preliminary Issues

The Tenant testified that he filed his application for Dispute Resolution over the internet and that the documents were returned to him via e-mail. The Tenant stated that he was confused by this process and that he was not aware that he was required to serve the Landlord with a copy of the Dispute Resolution Package.

The Tenant confirmed that he did not send or serve the Landlord with any documentation pertaining to his application for dispute resolution. When asked if the Tenant submitted evidence to the Residential Tenancy Branch he responded by saying "there isn't any evidence".

Analysis

The Tenant confirmed that he failed to serve the Landlord with a copy of the Dispute Resolution Package.

I find that service of the hearing documents were not done in accordance with section 59 of the Act which stipulates that an Applicant, in this case the Tenant, must give a copy of the application to the other party within 3 days of filing the application. As I have

found the service of documents not to have been effected in accordance with the *Act*, I dismiss the Tenant's claim, with leave to reapply.

As the Tenant has not been successful with his application I decline to award the Tenant recovery of the filing fee costs.

Conclusion

I HEREBY DISMISS the Tenant's claim, 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: December 15, 2009.

Dispute Resolution Officer