



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNDC, FF

### Introduction

This matter dealt with an application by the Tenant to recover a security deposit plus compensation equal to the amount of the security deposit due to the Landlord's failure to return the deposit within the time limits required under the Act.

The Tenant said she served the Landlord with the Application and Notice of Hearing (the "hearing package") by registered mail on August 27, 2010. However, the copy of the Canada Post receipt provided as evidence by the Tenant shows that the hearing package was sent instead by regular post. Section 89 of the Act says that an application for a monetary order must be served on the other party either in person or by registered mail. In the circumstances, I find that the Landlord was not served with the Tenant's hearing package as required by s. 89 of the Act and as a result, her application is dismissed with leave to reapply.

### Conclusion

The Tenant's application is dismissed 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: October 21, 2010.

---

Dispute Resolution Officer