



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This is the Tenants' application for a monetary order for double the security deposit paid to the Landlord and to recover the cost of the filing fee from the Landlord.

The Tenant gave affirmed testimony. He stated that he served the Landlord with the Notice of Hearing documents, by regular mail, to the Landlord's house. I explained to the Tenant that this was not a method of service allowed under Section 89 of the Act. The Tenant replied that he had also served the Landlord in person with the Notice of Hearing documents sometime in November, 2010. The Tenant's Application was filed on December 3, 2010. I explained that I would wait 10 minutes to see if the Landlord signed into the Hearing, and placed the Tenant on hold.

The teleconference was scheduled to start at 9:00 a.m. By 9:10 a.m., Landlord had not yet signed into the Hearing. The Tenant was not able to prove that he had served the Landlord with the Notice of Hearing documents in a manner required by Section 89 of the Act. Therefore, the Tenants' application is dismissed with leave to reapply.

Conclusion

The Tenants' 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: April 06, 2011.

Residential Tenancy Branch