



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit.

Issue to be Decided

Was the tenant properly served with notice of the landlords' claim?

Background and Evidence

The landlord's agent testified that she served the application for dispute resolution and notice of hearing (the "Hearing Documents") on the tenant by giving them to a party who apparently resided with the tenant, although she acknowledged that the tenant was working in Alberta at the time the Hearing Documents were served.

Analysis

Section 89(1) of the Act provides direction on how to serve Hearing Documents on defendants and does not permit service on an adult who apparently resides with the tenant. I find that the tenant has not been served with the Hearing Documents and accordingly I dismiss the landlord's claim with leave to reapply.

Conclusion

The claim 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: June 15, 2011

Residential Tenancy Branch