



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, RP

Introduction

This conference call hearing was convened in response to the tenant's application for the return of part of the security deposit, and for an order that the landlord make repairs to the unit.

K.C. appeared for the tenant who was out of the country. She testified that she did not know when the tenant notified the landlord of the date of this hearing, other than he did it by sending the landlord an email. She stated that she did not know whether there was a written tenancy agreement. She said that there were no condition inspection reports; that the rent was \$1250.00 per month and that the tenant paid a security deposit of \$625.00. K.C. said that the landlord retained \$295.00 for damages against the security deposit.

Issue to be Decided

Was the landlord served with the notice of a dispute resolution hearing?

Analysis

There was no documentary evidence before me from the tenant. In order to make a decision, I must first be satisfied that the landlord was served with the hearing documents. Section 89(1) of the *Residential Tenancy Act* states:

*“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].*

Email is not an approved method by which an application for dispute resolution can be served.

Conclusion

I find that the landlord was not served with the hearing documents and therefore had no notice of the claim made against her. The 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: July 21, 2011.

Residential Tenancy Branch