



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MNSD, FF

Introduction

This is the Tenant's application for return of the security deposit and to recover the cost of the filing fee from the Landlord.

Both parties appeared and gave affirmed testimony at the Hearing.

Preliminary Matters

The Tenant named the Landlord and a company on her Application for Dispute Resolution. During the course of the Hearing, it was discovered that the company was not the Tenant's landlord. It is the workplace of the Landlord's agent. The Tenant testified that she served the Landlord by sending the Notice of Hearing documents to her at the company's address. The Landlord's agent testified that he received the Notice of Hearing documents on October 4, 2011, from someone else who is not party to the tenancy agreement.

The Tenant did not serve the Landlord with the Notice of Hearing documents.

I find that the company named in the Tenant's application is not the Tenant's landlord, and therefore I removed the company as a landlord in the Tenant's application.

Section 89 of the Act determines the method of service for documents related to a dispute resolution proceeding. The Tenant has applied for a Monetary Order which requires that she serve the Landlord in accordance with the provisions of Section 89(1) of the Act. The Tenant did not serve the Landlord. Therefore, I dismiss the Tenant's application **with leave to reapply**.

During the course of the Hearing, the Landlord gave an address for service.

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 17, 2011.

Residential Tenancy Branch