



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, OLC, FF

Introduction

This matter dealt with an application by the Tenant for the return of a security deposit plus compensation equal to the amount of the security deposit due to the Landlord's alleged failure to return it as required by the Act. The Tenant also applied to recover the filing fee for this proceeding.

The Tenant said she had an agent serve the Landlord with the Application and Notice of Hearing (the "hearing package") on August 5, 2011 by posting it to the door of the Landlord's residence. The Tenant said the Landlord admitted in an e-mail to her that he had received her hearing package but she did not provide a copy of that e-mail as evidence at the hearing. The Landlord attended the hearing but refused to say whether he had received the Tenant's hearing package or not.

Section 89(1) 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 unless the applicant has received an order for substituted service from the Director authorizing them to serve the documents in a different way. I find that the Tenant did not serve her hearing package on the Landlord as required by s. 89(1) 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: November 08, 2011.

Residential Tenancy Branch