



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD; MNR; MNDC; O

Introduction

This is the Tenant's application for return of the security deposit and pet damage deposit and for compensation for damage or loss.

The Tenant gave affirmed testimony at the Hearing.

Preliminary Matter

The Tenant testified that he tried to personally serve the Landlord with the Notice of Hearing documents seven times over the course of two days, but the Landlord was not available. He stated that he dropped the Notice of Hearing documents in the Landlord's mail box at the rental property on September 4, 2011.

Section 89(1) of the Act provides for methods of service of the Notice of Hearing documents when an applicant is applying for a monetary order. Section 89(1) states:

Special rules for certain documents

89 (1) 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].

(emphasis added)

The Tenant did not serve the Landlord in accordance with the provisions of Section 89(1) of the Act, and therefore his 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 18, 2011.

Residential Tenancy Branch