



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AS, MNSD, FF

Introduction

This matter dealt with an application by the Tenant for an Order allowing the Tenant to assign or sublet the rental unit as a result of the Landlord having allegedly unreasonably withheld his consent, for the return of a security deposit and to recover the filing fee for this proceeding.

Section 59(3) of the Act says that a person who makes an application for dispute resolution must give a copy of it to the other party **within 3 days**. Section 89 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**. The Tenant received hearing packages for this matter on December 21, 2011 and she said she served it on the Landlord on December 29, 2011 by priority post courier. In the circumstances, I find that the Tenant did not serve the Landlord with the hearing package as required by s. 59 and s. 89 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: January 10, 2012.

Residential Tenancy Branch