



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant for a Monetary Order for a return of her security deposit, doubled, and to recover the cost of the filing fee from the landlord for this application.

Issue(s) to be Decided

Is the tenant entitled to a monetary order pursuant to the *Residential Tenancy Act*?

Background and Evidence

The landlord did not appear at the hearing.

The tenant testified that service of the Notice of Dispute Resolution and Hearing package was delivered to the landlord via dropping the documents in the mailbox at the landlord's listed office address.

Analysis

Section 89 of the Residential Tenancy Act describes ways in which documents on an application for dispute resolution must be delivered, including by sending a copy by registered mail to the address at which the person carries on business as a landlord or via personal delivery to the agent of the landlord. The Act defines registered mail **as** including any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available.

Through the tenant's testimony, I find that service of the Notice of Dispute Resolution and Hearing Package was not in accordance with Section 89 of the *Act*.

To find in favour of an application for a monetary claim, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. As I have found the tenant failed to comply with

the service of documents for the application in accordance with the *Act*, I **dismiss** the tenant's application, **with leave to reapply**.

As the tenant has not been successful with her application, I find that she is not entitled to recover the cost of the filing fee from the landlord.

Conclusion

I DISMISS the tenant's application, 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: February 17, 2012.

Residential Tenancy Branch