



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was convened by way of conference call in response to an application made by the tenant for a monetary order for return of all or part of the pet damage deposit or security deposit and to recover the filing fee from the landlord for the cost of this application.

The tenant attended the conference call hearing, however, despite being served with the Tenant's Application for Dispute Resolution and notice of hearing documents by registered mail on July 10, 2012, the landlord did not attend. The tenant provided evidence in advance of the hearing.

Background and Evidence

The tenant provided evidence of having served the landlord with the documents on July 10, 2012 by registered mail. The tenant's application for dispute resolution was filed on May 15, 2012 and the tenant was provided with a notice of hearing to serve on the landlord on May 16, 2012.

Analysis

The *Residential Tenancy Act* requires a party to serve the documents within 3 days of making the application. The *Act* specifically states:

59 (3) Except for an application referred to in subsection (6), a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.

The director has not specified a different period for service of the documents and I find that subsection (6) does not apply to this application. I find that the tenant has not served the landlord in accordance with the *Act*.

Conclusion

For the reasons set out above, the tenant's application is hereby 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: July 17, 2012.

Residential Tenancy Branch