



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, DRI, CNC, AS, RR, MNDC

### Introduction

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking a monetary order for a return of his security deposit and for money owed or compensation for damage or loss, to dispute an additional rent increase, seeking cancellation of a 1 Month Notice to End Tenancy for Cause (the "Notice"), an order allowing the tenant to assign or sublet the rental unit as the landlord has unreasonably withheld permission to do so, and for an order allowing a reduction in rent.

The tenant appeared and gave affirmed testimony.

### Issue(s) to be Decided

Is the tenant entitled to a monetary order, an order cancelling the Notice and orders for the landlord?

### Background and Evidence

The landlord did not appear at the hearing.

The tenant testified that he served the son of the landlord at the landlord's residence the Notice of Dispute Resolution Hearing and the application for dispute resolution (the "hearing package").

The tenant did not submit any evidence that the landlord's son had ever acted as an agent of the landlord.

### Analysis

Section 89 of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondent (the landlord in this case) in person, or if a landlord, by leaving a copy with an agent of the landlord, by registered mail to the

address at which the person resides, or if a landlord, by registered mail to the address at which the person carries on business as a landlord.

Conclusion

I find the tenant failed to serve the landlord his application for dispute resolution in a manner required by the Act when he served the son and not the landlord. I therefore dismiss the tenant's application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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 13, 2012.

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Residential Tenancy Branch