



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

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 her security deposit.

The tenant appeared and gave affirmed testimony.

Issue(s) to be Decided

Is the tenant entitled to a monetary order for the return of her security deposit?

Background and Evidence

The landlord did not appear at the hearing.

The tenant testified that she served the landlord the Notice of Dispute Resolution Hearing and the application for dispute resolution (the "hearing package") via ordinary mail.

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 her application for dispute resolution and Notice of Hearing in a manner required by the Act when she served the landlord via ordinary mail. 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: August 29, 2012.

Residential Tenancy Branch