



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding EXECUTIVE PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an application by the tenant for a monetary order for the return of double the security deposit.

The tenants stated that they visited the office of the landlord for the purpose of serving the landlord with the notice of hearing. The tenants stated that they left the package with the receptionist. The tenant did not file any proof of having served the landlord. The landlord did not attend the hearing.

Issue to be Decided

Was the landlord served with the notice of hearing pursuant to Section 88 of the *Residential Tenancy Act*? If so, are the tenants entitled double the security deposit?

Analysis

Section 88 of the *Residential Tenancy Act* addresses how to give or serve documents. The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. The landlord is entitled to have an opportunity to be heard at the hearing. Based on the testimony of the tenants, I am not satisfied that the notice of hearing was served in accordance with section 88 of the *Act*.

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: June 12, 2013

Residential Tenancy Branch