



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, O

This hearing dealt with an application by the tenant for an order for the return of double his security deposit. The tenant testified that he served the landlord with his application for dispute resolution and notice of hearing (the “Hearing Documents”) by leaving the Hearing Documents with the building manager at the residential property.

The tenant testified that the landlord is himself a tenant and that the building manager has never acted as the landlord’s agent, although he knows that the two men know each other.

In order to proceed with this claim, I must be satisfied that the respondent has had notice of the claim made against him. Section 89 of the Act describes the means by which Hearing Documents can be served. When serving a landlord, service can be effected personally, through registered mail or by leaving a copy with an agent of the landlord. As the building manager is not an agent of the landlord, I find that the tenant has not met the requirements for service and I am not satisfied that the landlord has received the Hearing Documents. I therefore dismiss the 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: November 04, 2013

Residential Tenancy Branch

