



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ASTRO VENTURES LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNSD

### Introduction

This hearing was convened by way of a conference call in response to an application made by the tenant for the return of all or part of the pet damage or security deposit.

The tenant appeared for the hearing and provided affirmed testimony that he had attended the landlord's address to serve the Notice of Hearing documents within three days of receiving the paperwork from the Residential Tenancy Branch. The tenant testified that he knocked on the landlord's door several times to personally serve the documents to the landlord but there was no answer. The tenant noticed a note posted to the door which stated that the occupants would be returning in ten minutes. The tenant testified that he did not have time to wait around for the landlord to come back and, on the advice of a friend, slid the hearing documents under the landlord's door.

The landlord failed to appear for the hearing and submitted no evidence prior to this hearing.

### Analysis & Conclusion

Section 89 of the *Residential Tenancy Act* (referred to as the "Act") details the very specific methods of serving a copy of the application for dispute resolution and the Notice of Hearing documents. Sliding these documents underneath the door is not a method of service that complies with the requirements of the Act.

Furthermore, page 5 of policy guideline 12 to the Act states that "Placing a document under the door is not recognized by the Legislation".

As the tenant has failed to serve the hearing documents in accordance with the Act and the landlord failed to appear for the hearing, I was unable to proceed with hearing the tenant's application. As a result, I dismiss the tenant's application **with** leave to re-apply.

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: February 04, 2014

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Residential Tenancy Branch

