



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, O

Introduction

This hearing was convened by conference call in response to an application made by the Tenant for the return of the security deposit, and for 'Other' issues which were identified as a monetary claim for two rent payments alleged to have been received by the Landlord after the tenancy ended which were not returned to the Tenant.

The Landlord failed to appear for the hearing and provided no evidence prior to the hearing. The Tenant appeared for the hearing and testified that he served the copy of the application and Notice of Hearing documents to the Landlord by placing them in her mail slot.

Analysis & Conclusion

Section 89 (1) of the Act does not allow an applicant to serve the respondent with the Notice of Hearing documents by placing them in the Landlord's mail box. The Landlord did not appear for the hearing to verify that the hearing documents were received. As this method of service is not acceptable under Section 89(1) of the Act, I dismiss the Tenant's application with leave to reapply.

I draw the attention of the Landlord and Tenant in relation to the return of the security deposit as required by Section 38(1) and 38(6) of the Residential Tenancy Act.

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: March 14, 2014

Residential Tenancy Branch

