



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This was an application by the tenant for a monetary order for the return of her security deposit, including double the amount. The hearing was conducted by conference call. The tenant attended but the landlord did not call into the conference and did not participate. The tenant sent documents to the landlord by a courier service but they were returned to her undelivered. The tenant provided a copy of the courier shipping orders, but she did not provide proof of delivery or a signature by the landlord acknowledging delivery.

Analysis

Section 89 of the *Residential Tenancy Act* provides that an application for dispute resolution must be given to a landlord by leaving a copy with the landlord, or with an agent of the landlord, or by sending a copy by registered mail to the address at which the person carries on business as a landlord. The Act defines “registered mail” as follows:

"registered mail" includes any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available.

The method of the delivery chosen by the applicant is not a method authorized by section 89 of the Act and it does not meet the definition of “registered mail” contained in

the Act. Section 89 is mandatory; it provides that an application must be given in one of the ways provided.

Conclusion

In the absence of proof of service of the application for dispute resolution, 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: March 27, 2014

Residential Tenancy Branch

