



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants for a monetary order for the return of double the security deposit and to recover the cost of the filing fee from the landlord.

The tenants attended the hearing. As the landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

### Preliminary Matter

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenants testified the Application for Dispute Resolution and Notice of Hearing were sent by registered mail, a Canada post tracking number was provided as evidence.

The tenants testified that they sent the registered mail package to the landlord's address that was provided in the signed tenancy agreement and they are not sure if that is where the landlord currently resides. Filed in evidence is a copy of the signed tenancy agreement dated November 29, 2012.

The tenants testified that in July 2013, they received a change of address from the property management company. The tenants stated all subsequent rent cheques were issued in their name and sent to the new address that was provided. The tenants stated they did not serve the Application for Dispute Resolution and Notice of Hearing to that party or that address.

### **Special rules for certain documents**

**89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

(a) by leaving a copy with the person;

(b) if the person is a landlord, by leaving a copy with an agent of the landlord;

(c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;

(d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;

(e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

In this case, the tenants cannot confirm that the landlord was residing at the address at the time the Application for Dispute Resolution and Notice of Hearing were mailed. Although the signed tenancy agreement dated November 29, 2012, provided this address for service, in July 2013, the tenants received a change of address.

The tenants did not send their Application for Dispute Resolution and Notice of Hearing to the address which the landlord carries on business.

As a result, I am not satisfied that the landlord has been served in accordance with section 89 of the Act. Therefore, I dismiss the tenants' application with leave to reapply.

### Conclusion

The tenants' 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: May 13, 2014

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Residential Tenancy Branch

