



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was convened by way of a conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenant for the return of the security deposit and to recover the filing fee for the cost of making the Application.

The Landlord failed to appear for the hearing and provided no written evidence prior to the hearing. The Tenant appeared for the hearing and testified that she served the copy of the Application and the Notice of Hearing documents to the Landlord by placing them in his mail box with a witness three days after receiving them from the Residential Tenancy Branch.

The Tenant testified that she called the Landlord later on that day who confirmed that he had received the paperwork relating to this hearing.

Analysis & Conclusion

Section 89 (1) of the Act lists the methods which can be used by an Applicant to serve the Application to the Respondent. This section does **not** allow a Tenant to serve the Landlord with the Application by placing it in the Landlord’s mail box.

The Landlord did not appear for the hearing to verify that the Application had been received and therefore I was unable to consider, pursuant to section 71(2) of the Act, whether it had been sufficiently served.

As this method of service of the Application is not acceptable under section 89(1) of the Act and the Landlord failed to appear for the hearing to verify service, I dismiss the Tenant’s application **with leave** to reapply.

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

Dated: June 02, 2014

Residential Tenancy Branch

