



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This was a hearing with respect to the tenants' application for a monetary order for the return of their security deposit. The hearing was conducted by conference call. The tenant called in and participated in the hearing. The tenant sent the application and Notice of Hearing to the landlord by courier. The delivery method chosen by the applicant did not require that the recipient record a signature to verify receipt of the documents. The tenant provided a copy of the courier shipping order, but she did not provide proof of delivery or a signature by the landlord acknowledging delivery.

Issue(s) to be Decided

Are the tenants entitled to a monetary award?

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.

Conclusion

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. 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: June 23, 2014

Residential Tenancy Branch

