



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD, FF

Introduction / Background / Evidence / Analysis

This hearing was scheduled in response to the tenant's application for a monetary order for compensation reflecting the double return of the security deposit / and recovery of the filing fee. The tenant and her witness attended and gave affirmed testimony.

The tenant's witness testified that she served the landlord with the tenant's application for dispute resolution and notice of hearing (the "hearing package") by way of delivery to the landlord's outside mailbox on or about April 12, 2014. Despite this, the landlord did not attend the hearing.

Section 88 of the Act addresses **How to give or serve documents generally**. Section 89 of the Act speaks to **Special rules for certain documents**, and provides in part as follows:

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*].

Based on the affirmed / undisputed testimony of the tenant and her witness, I find that the tenant's hearing package was not served on the landlord in accordance with the above statutory provisions. In the result, the tenant's application must be dismissed with leave to reapply.

Conclusion

The tenant's application is hereby 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: August 05, 2014

Residential Tenancy Branch

