



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 tenant for a Monetary Order to recover the security deposit and to recover the filing fee from the landlord for the cost of this application.

The tenant's agent testified that the landlord was served by putting a copy of the Application and Notice of Hearing in the landlord's room. The landlord did not attend the conference call.

Section 89 of the *Residential Tenancy Act (the Act)* provides ways in which an applicant must service the respondent with their application for Dispute Resolution and states:

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].

To find in favour of an application, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. As the tenant has failed to serve the landlord in accordance with section 89 of the *Act*, I am unable to determine that the landlord has been properly served and I must dismiss the tenant's application 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: September 11, 2014

Residential Tenancy Branch

