



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: MNSD, FF

### Introduction / Background / Evidence

This hearing was scheduled in response to the tenant's application for a monetary order reflecting the return of the security deposit / and recovery of the filing fee. While the tenant attended and gave affirmed testimony, the landlord did not appear.

Further to the tenant's application for dispute resolution and the notice of a dispute resolution hearing, there is no documentary evidence before me, and the tenant was unable to confirm how the landlord may have been served with the application and notice of hearing. In the result, the tenant's application must be dismissed with leave to reapply.

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website: [www.gov.bc.ca/landlordtenant](http://www.gov.bc.ca/landlordtenant)

The particular attention of the parties is drawn to section 38 of the Act which speaks to **Return of security deposit and pet damage deposit**. Further, the attention of the parties is drawn to section 89 of the Act which addresses **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*].

### 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: December 16, 2014

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Residential Tenancy Branch

