



# 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 by the tenant pursuant to the Residential Tenancy Act (the Act) for orders as follows:

- a) An Order to return double the security deposit pursuant to Section 38; and
- b) To recover the filing fee for this application.

### **SERVICE**

The landlord did not attend the hearing. The tenant provided evidence that they had served the landlord with the Application for Dispute Resolution by registered mail; however when I attempted to verify it online, it transpired that the number given was for forwarding their address. I find the Application was not served pursuant to sections 89 of the Act for the purposes of this hearing.

### **Background and Analysis:**

The landlord did not attend. The tenant's representative who is her spouse gave evidence of his authority to act for the tenant. He provided a registration number of service of the Application; however, I found online that it had been sent prior to the Application being filed so the tenant concluded it must have been service of the forwarding address and demand for return of the deposit. The tenant's name was incomplete on the application and was amended to show the first name of the tenant.

It transpired that the tenant thought the Residential Tenancy Branch served the Application on the landlord and said they did not advise them that it had to be served according to section 89 of the Act. We discussed the obligations for service under the law.

I find the landlord has never been served with the Application/Notice of Hearing. Therefore, I dismiss this Application with leave to reapply.

**Conclusion:**

I dismiss this 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: March 11, 2015

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Residential Tenancy Branch

