



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNSD, FF

### Introduction and Preliminary Matter

This hearing convened as a result of a Tenants' application for dispute resolution wherein they sought a Monetary Order for double the security deposit pursuant to sections 38 and 67 of the *Residential Tenancy Act* and to recover the filing fee.

Only the Tenants appeared at the hearing. M.C. gave affirmed testimony on behalf of the Tenants and they were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

The Tenants testified served the Landlords with the Notice of Hearing and their Application in September 2014 by putting the materials in the Landlords' mail box.

Section 89 of the *Act* provides for service of an application for dispute resolution and provides as follows:

### **Special rules for certain documents**

**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*].

In leaving their application materials in the Landlords' mailbox, the Tenants did not serve the Landlords in accordance with section 89 and accordingly their application is dismissed with leave to reapply.

### Conclusion

The Tenants did not serve the Landlords in accordance with section 89 and accordingly their 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: July 06, 2015

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Residential Tenancy Branch

