



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD

### Introduction and Preliminary Matter

This hearing convened as a result of a Tenant' application for dispute resolution wherein he sought a Monetary Order for return of the security deposit pursuant to sections 38 and 67 of the *Residential Tenancy Act*.

Only the Tenant and his mother, L.S., appeared at the hearing. The Tenant and L.S. provided affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

L.S. testified she filed the Application for Dispute Resolution on behalf of the Tenant on November 24, 2014. She advises that she was then instructed by the Branch to correct the application as she erroneously checked off the box indicating the Tenant sought return of his security deposit (when in fact he had already received his security deposit). She stated that on December 1, 2014 she refiled the Tenant's Application seeking a Monetary Order for money owed or compensation for damage or loss under the *Act*, Regulation or tenancy agreement. The latter application was not before me.

L.S. testified that she served the Landlord with the Notice of Hearing by priority post. She confirmed she did not send a copy of the Tenant's Application for Dispute Resolution filed December 1, 2014.

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*].

As the Tenant did not serve the Landlord in accordance with section 89 his application is dismissed with leave to reapply.

### Conclusion

The Tenant did not serve the Landlord in accordance with section 89. His 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 08, 2015

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Residential Tenancy Branch

