



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: MNSD, FF

### Introduction / Background / Evidence

This hearing concerns the tenants' application for a monetary order as compensation reflecting the return of the security deposit and pet damage deposit / in addition to recovery of the filing fee. Tenant "DKG" attended and gave affirmed testimony. The landlord did not appear.

The tenant testified that the application for dispute resolution and the notice of hearing (the "hearing package") was served by way of posting to the landlord's door.

As to service of documents, section 88 of the Act addresses **How to give or serve documents generally**. Section 89 of the Act speaks to **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*].

Section 71 of the Act addresses **Director's orders: delivery and service of documents**, and provides in part as follows:

71(1) The director may order that a notice, order, process or other document may be served by substituted service in accordance with the order.

(2) In addition to the authority under subsection (1), the director may make any of the following orders:

(a) that a document must be served in a manner the director considers necessary, despite sections 88 [*how to give or serve documents generally*] and 89 [*special rules for certain documents*];

Based on the affirmed / undisputed testimony of the tenant, I find that the means used by the tenants for service of the hearing package on the landlord, does not comply with the above statutory provisions. Accordingly, the application must be dismissed with leave to reapply.

#### Conclusion

The tenants' 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: July 15, 2015

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Residential Tenancy Branch

