



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, MNDC, FF

### Introduction

This matter dealt with an application by the Tenant for the return of double the security deposit, loss or damage under the Act, regulations or tenancy agreement and to recover the filing fee.

The Tenant's witness said he served the Landlords the hearing package in person sometime in September, 2015. Section 59 of the Act says an application for dispute resolution must be served to the respondent within 3 days of the Applicant receiving the Notice of Dispute Resolution Hearing document. The Tenant made the application on May 21, 2015 and served the Landlord sometime in September, 2015. I find the service of documents is not in accordance with section 59 of the Act. Consequently as the respondent did not appear at the hearing it was impossible to determine if the respondent received the documents and had sufficient time to prepare a defence. As a result of the service of documents not complying with the Act, rules and regulations; I dismiss the Tenant's application with leave to reapply.

### Conclusion

The Tenant's 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: October 27, 2015

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Residential Tenancy Branch

