



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, MNSD, RPP, FF

Introduction / Background

This hearing was scheduled in response to the tenant's application for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / return of the security deposit / an order instructing the landlord to return the tenant's personal property / and recovery of the filing fee. The tenant appeared and gave affirmed testimony. The landlord did not appear. The tenant testified that he served the landlord with his application for dispute resolution and the notice of hearing (the "hearing package") by way of regular mail.

Section 89 of the Act addresses **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*].

I find that the tenant's service of the hearing package by way of regular mail does not comply with the statutory requirements set out immediately above. Accordingly, the tenant's application must be dismissed with leave to reapply.

Going forward, the attention of the parties is also drawn to section 38 of the Act which addresses **Return of security deposit and pet damage deposit**. The full text of the Act in addition to other information concerning tenancies can be accessed via the website: www.gov.bc.ca/landlordtenant

Conclusion

The tenant's 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: January 25, 2016

Residential Tenancy Branch

