



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding REMAX COMMERCIAL SOLUTIONS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was scheduled to deal with a landlord's application for authorization to retain the tenants' security deposit. The tenants did not appear at the hearing. The landlord testified that he left the hearing packages in the mail box at the tenants' forwarding address. The landlord stated that he received a text message from the tenants acknowledging receipt of the hearing documents approximately one hour after he left the hearing packages in their mailbox. I noted that I did not have any supporting evidence before me. The landlord indicated the though a Monetary Order worksheet and evidence was submitted but he was uncertain as to when and how he submitted supporting documents to the Residential Tenancy Branch.

Section 89(1) of the Act provides for the ways an Application for Dispute Resolution that pertains to a monetary claim must be served upon the respondent. The methods of service are either: in person or by registered mail, or as so ordered by the Director. Leaving an Application that pertains to a monetary claim in a mailbox is not an acceptable method of service unless the Director had authorized that method of service and I was not provided any evidence to suggest the landlord had applied for and obtained an Order for Substituted Service.

Considering the tenants were not in attendance and service was not done in a manner that complies with the Act, I declined to proceed with hearing this application and I dismissed it with leave. The landlord is at liberty to reapply; however, it is important to note that dismissing the Application with leave does not extend any applicable time limits under the Act.

The landlord was referred to Residential Tenancy Policy Guideline 12: *Service Provisions* as information with respect to serving documents upon a tenant in the future.

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 14, 2016

Residential Tenancy Branch

