



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by the tenant.

The tenant testified the landlord was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by regular mail within 3 days of picking up his hearing package from the Residential Tenancy Branch.

The tenant testified that the landlord would not give him an address other than the rental unit address to be used as a service address.

The tenant testified that despite not serving the package by regular mail he spoke to a resident in the rental unit who confirmed that the package had arrived but the tenant could not confirm what happened to the package once it arrived.

Section 89 of the *Act* states an Application for Dispute Resolution 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 that 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; or
- e) As ordered by the director.

Based on the testimony of the tenant, I find that the tenant has failed to provide sufficient evidence to establish the landlord has received the hearing documents. I find the tenant did not serve the hearing package in accordance with Section 89 of the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to a monetary order for return of the security deposit, pursuant to Sections 38, 67, and 72 of the *Act*.

Conclusion

As I have determined the tenant has not served the landlord in accordance with the *Act* I dismiss the tenant's Application for Dispute Resolution in its entirety 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 12, 2016

Residential Tenancy Branch