



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Pines Mobile Home Park
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD, FF

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.

At the outset of the hearing the tenant testified that he could not recall specifically how the landlord was served with his Application for Dispute Resolution and the Notice of Hearing documents for his hearing. The tenant could not recall if the Residential Tenancy Branch served the landlord or if he mailed the package of documents himself to the landlord.

The tenant searched his documents thoroughly during the hearing and could not find anything that could confirm if or how he served the landlord with the required documents.

Section 59 (3) of the *Residential Tenancy Act (Act)* states that a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it.

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.

As the tenant has failed to provide any evidence or testimony that can confirm if the landlord has been served in accordance with the requirements of the *Act* I find the

tenant has failed to establish he has complied with the requirements set forth in Section 59(3) 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 and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 67, and 72 of the *Act*.

Conclusion

Based on my findings above, I dismiss the tenant's Application for Dispute Resolution in its entirety with leave to reapply in accordance with any provisions in the *Act*.

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 24, 2017

Residential Tenancy Branch