



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD, OLC, MNDC, FF

Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenant has requested a monetary order for return of double the security deposit and to recover the filing fee from the landlord for the cost of this Application for Dispute Resolution.

The tenant provided affirmed testimony that copies of the Application for Dispute Resolution and Notice of Hearing were given to the landlord on November 2, 2016 by placing the documents in the landlords' mail box. The tenant had applied for dispute resolution on June 20, 2016 but the documents went to his junk email folder. It took the tenant some time before he realized the documents had been provided. The tenant then completed service to the landlord.

The tenant had lived in the lower level of the home; the landlord resides in the upper level. When the tenant served the documents to the landlords' mail box the tenant established that the landlord continued to reside at the home as the landlords' vehicle and trailer were in the driveway.

Section 89(1) of the Act requires service of an application of this sort to be served by leaving the documents with the person or by registered mail to the address where the person resides or carries out business. An applicant is also required to serve each respondent. The tenant named two landlords as respondent but has served a single package, containing the hearing documents for each of the respondents.

I considered section 71 of the Act, as to whether the tenant had sufficiently served each landlord with Notice of this hearing. In the absence of service of a single hearing package for each landlord I cannot find that each was sufficiently served with Notice of this hearing.

Therefore, I find that the application is dismissed with leave to reapply within the legislated time limit of two years beyond the end date of the tenancy. The tenant is required to serve each respondent separately. Service must occur via personal delivery or registered mail to the address where the landlord resides. Registered mail is deemed served on the fifth day after mailing.

Conclusion

The application is dismissed with leave to reapply within the legislated time limit. This decision is final and binding and 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 03, 2017

Residential Tenancy Branch

