



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 612645 ALBERTA LTD. O/A CTC GOLF AND TURF

DECISION

Dispute Codes FF MNSD OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- authorization to obtain a return of double the amount of the security deposit, pursuant to section 38 of the Act;
- a Monetary Order for money owed or compensation for damage or loss under section 67 of Act; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72 of the Act.

The tenant was represented at the hearing by agent, TR (the "tenant"). Only the tenant appeared at the hearing.

The tenant stated that she sent the landlord a copy of her Application for Dispute Resolution and her Monetary Order via Courier on January 16, 2017.

Analysis

The tenant testified that she served the landlord with her application for dispute resolution package by sending via Courier on January 16, 2017. She said this package was recently returned to her by the Courier. The tenant said that she was certain that the landlord had notice of this package as he is the only person who lives at that address and they had recently spoken via telephone.

Section 89 of the Act establishes the following Special rules for certain documents, which include an application for dispute resolution:

89(1) An application for dispute resolution,...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 document]...*

The tenant has not served the landlord in a manner required by section 89(1) of the *Act*. I am not satisfied that the landlord was properly served with the tenant's application for dispute resolution.

Conclusion

I dismiss the tenant's application 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: February 27, 2017

Residential Tenancy Branch