



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNSD FF

### **Introduction**

Both parties attended the hearing and the tenant provided evidence that his son-in-law had served the landlord with the Application for Dispute Resolution at her place of employment and he had texted her his daughter's address as his forwarding address.

The landlord said she had not received the Application although she received some evidence two days ago. She telephoned the Residential Tenancy Branch and an information officer informed her of the hearing today so she called in.

### **Analysis:**

I find the tenant's son-in-law served the Application for Dispute Resolution by putting in the mail slot at the landlord's place of employment. I find this is not a legal method of service pursuant to section 89 of the Act. I find also that section 38 of the Act provides a tenant must provide their forwarding address in writing to the landlord. I find the tenant providing his daughter's address is insufficient to meet this requirement as the landlord said she did not know it was his forwarding address or that he wanted his deposit returned to that address. I note also there was a disagreement about the amount of the deposits. If either party applies again, I suggest they provide a copy of their tenancy agreement and any receipts for evidence. I advise them to consult sections 38 of the Act regarding the deposits and sections 88 and 89 regarding service.

### **Conclusion:**

I dismiss this Application of the tenant and give him leave to reapply. I find him not entitled to recover filing fees due to lack of success.

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 01, 2017

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Residential Tenancy Branch