



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD FF

Introduction

Only the tenant with his assistant attended the hearing. He gave sworn testimony that he had served the landlord with the Application for Dispute Resolution by putting it in her mail box. I find the Application was not served pursuant to section 89 of the Act for the purposes of this hearing.

Analysis:

I find section 89 of the *Residential Tenancy Act* provides that an Application/Notice of Hearing must be served either by registered mail or personally to the person or their agent. I explained this to the tenant and his assistant. I also explained section 38 of the Act and his possible entitlement to doubling of the security deposit but emphasized that he must serve the landlord with his forwarding address in writing. His assistant indicated that he understood. I explained he would get leave to reapply and should not do reapply until after he had served his forwarding address in writing to the landlord and waited 15 days for her to respond as section 38 of the Act allows the landlord 15 days to return the deposit or file her Application to claim against it.

Conclusion:

I dismiss the application of the tenant and give him leave to reapply. I find him not entitled to recover filing fees due to his 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: March 09, 2017

Residential Tenancy Branch