



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC

Introduction

This hearing was scheduled to deal with a tenant's application for a Monetary Order for return of double the security deposit and damages or loss under the Act, regulations or tenancy agreement, as amended. The landlord did not appear at the hearing.

The tenant testified that she served the original application and other required hearing documents by placing them in the mail slot in the door of the landlord's residence on September 26, 2016. The tenant testified that she served the Amendment by placing the documents in the mail slot in the door of the landlord's residence on October 17, 2016.

Where a respondent does not appear at the hearing, it is upon the applicant to prove service of the hearing documents upon the respondent in a manner that complies with the Act. Section 89(1) of the Act provides that an Application for Dispute Resolution pertaining to a monetary claim is to be served upon the respondent in person or by registered mail, unless the applicant has an Order from the Director authorizing service in a different manner (Order for Substituted Service). The tenant did not have an Order for Substituted Service and placing the original hearing package and Amendment in the landlord's mail slot is not a permissible method of service under section 89(1). Having found the landlord was not served in a manner that complies with the Act, I declined to proceed with this Application and it is dismissed with leave to reapply.

The tenant stated that she was informed by a clerk at the Service BC office that putting the hearing documents in the landlord's mail slot was sufficient method of service. As I informed the tenant, information regarding service requirements, as well as information pertaining to other requirements under the Act, may be obtained by contacting an Information Officer with the Residential Tenancy Branch, toll free or by email; or by accessing the Residential Tenancy Branch website at: gov.bc.ca/landlordtenant.

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 22, 2017

Residential Tenancy Branch

