



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing was convened by way of conference call in response to the tenant's application for a Monetary Order to recover double the security deposit.

Preliminary Issues

At the outset of the hearing the landlord confirmed that the landlord's name on the tenant's application is incorrect. The landlord testified that this is not her name. The landlord provided her correct name and neither party raised any objections to the landlords correct name being added to the style of cause.

Service Issues

The tenant testified that he filed his application on November 30, 2016 and served the hearing package to the landlord by Canada Post on December 02, 2016. This was not sent via registered mail. The landlord testified that she did not receive any package via Canada Post from the tenant. The tenant testified that he also served the landlord his application and evidence by leaving it on the landlord's door step on February 02, 2017. At the outset of the hearing we discussed the evidence provided by the tenant to the Residential Tenancy Branch and the evidence provided to the landlord. The landlord confirmed that she did not have all the evidence that the Arbitrator had in front of her.

I refer the parties to s. 89 (1) of the *Residential Tenancy Act (Act)* which states:

89 (1) *An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, 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 documents].*

Analysis

I find the tenant did not serve the landlord in accordance with s. 89 of the *Act* with his hearing package as it was not served in a manner provided for under this section of the *Act*. When the tenant sent his application again it was left on the landlord's doorstep which is not a method provided under s. 89 of the *Act*. Furthermore, this application was not served upon the landlord within the three allowable days after the tenant filed his application. Consequently, the hearing did not take place today and is dismissed with leave to reapply.

Conclusion

The tenant's application is dismissed 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: May 30, 2017

Residential Tenancy Branch