



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, OLC

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. AN Order for the return of the security deposit - Section 38;
2. An Order for the Landlord’s compliance - Section 62.

The Landlord did not attend the hearing. The Tenant states that on August 3, 2017 the Landlord was served with the application for dispute resolution and notice of hearing by attending the Landlord’s home and giving it to an adult person who confirmed that they lived at the Landlord’s home.

Section 88 of the Act provides allows, inter alia, all documents, other than those referred to in section 89, to be served by leaving a copy at the person's residence with an adult who apparently resides with the person. Section 89(1) of the Act provides that an application for dispute resolution 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*].

As the Tenant served the Landlord with the Tenant's application for dispute resolution in a manner that is not allowed under section 89 I find that the application has not been served in accordance with the Act. As a result I dismiss the application with leave to reapply. Leave to re-apply is not an extension of any applicable limitation period.

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: January 30, 2018

Residential Tenancy Branch