



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR OLC LRE MNSD FF

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to change the locks and/or to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- authorization to obtain a return of all or a portion of the security deposit, including double the amount, pursuant to section 38;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The hearing was conducted by conference call. The landlord did not attend the hearing.

### Preliminary Issue: Service of Tenant's Amended Application

The tenant A.M. testified that on December 3, 2017, a copy of their original Application for Dispute Resolution and Notice of Hearing was served to the landlord in person by his wife E.M. Further, on January 31, 2018, the tenant filed an amended application seeking monetary compensation and return of their security deposit. This amended application was sent to the landlord via UPS. The tenants submitted a receipt and an e-mail of delivery confirmation of the UPS package. A search of the UPS online tracking database indicates the item was left at the front door and not signed for by the recipient.

The tenancy ended on January 1, 2018; therefore, the only outstanding issue is the tenant's amended application for return of the security deposit, including double the amount.

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

*89(1) An application for dispute resolution,...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 document]...*

As the tenants' amended application was only left at the front door and a signature was not required upon delivery, I am not satisfied the landlord has been served with the tenants' amended application for dispute resolution in a manner required by section 89(1) of the *Act*.

### Conclusion

I dismiss the tenants' application 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: February 19, 2018

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Residential Tenancy Branch