Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   MNSD, FF

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

1. An Order for the return of the security and pet deposit - Section 38; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord did not attend the hearing. The Tenants state that on June 21, 2018 they sent the application for dispute resolution and notice of hearing (the "Materials") to the Landlord by express post. The Tenants state that no receipt signature was required for the mail delivery. The Tenants also placed the Materials in the Landlord's mailbox. The Tenants do not know whether the Landlord received the mail.

The Act provides the following requirements for service of the Application

89 (1) 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 did not serve the Materials by any method allowed under the Act I find that service has not been accomplished in accordance with the Act. I therefore 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 Act.

Dated: August 17, 2018

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Residential Tenancy Branch